

SUMMARY

Application details

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| JRPP Ref No. | 2010SYW016 |
| DA No: | DA/184/2010 |
| Assessment Officer: | Alan Middlemiss |
| Property: | Lot 1 in DP 598452, Lot 10 in DP 1039079 and Lot 101 in DP 773101, 7-9 Victoria Road & 21 Sorrell Street, Parramatta |
| Proposal: | Demolition and construction of an 8 storey mixed use development containing 53 residential apartments and 470m ² of retail and commercial floor space over three levels of basement carparking accessed from Sorrell Street. Part of the proposal also includes provision of an area of land to the south-western corner of the site to be dedicated to Council for the purposes of a cul-de-sac as an extension of the adjoining laneway. The proposal also includes Strata Subdivision. |
| Date of receipt: | 15 th March, 2010 |
| Applicant: | Bookrill Pty Ltd |
| Owner: | Bodene Pty Ltd |
| Submissions received: | Two submissions |
| Property owned by a Council employee or Councillor: | A search reveals that the site does not appear to be owned by a Council employee. |
| Issues: | The revised plans address previous issues relating to design, height, streetscape and internal amenity of units. |
| Recommendation: | Consent, subject to conditions |

Legislative requirements

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| Zoning: | The site is located within the Mixed Uses B4 zone under Parramatta City Centre LEP 2007. |
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| Permissible under: | Parramatta City Centre LEP 2007 |
| Relevant legislation/policies: | Parramatta City Centre DCP 2007; SEPP (Basix); SEPP 55 (Remediation of Land); Water Management Act 2000 |
| Variations: | Variations to the development standard prescribed by Clause 22D (Building Separation). Clause 24 objection to the development standard was submitted. |
| Integrated development: | Yes (Water Management Act 2000) |
| Crown development: | No |

The site

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| Site Area: | 1,448m ² |
| Easements/rights of way: | There are no existing easements over the three allotments |
| Heritage item: | No |
| In the vicinity of a heritage item: | Yes (Rose & Crown Hotel to the east of the site on the opposite side of Sorrell Street is an item of State significance) |
| Heritage conservation area: | No (but the site is located in the Church Street North Special Character Area) |
| Site History: | An active consent applies to the site. That DA (ref DA/907/2006) was approved by Council on 21 st June, 2007 and involved demolition of buildings and the construction of a five storey mixed uses building with 28 residential units, two ground floor retail tenancies and two levels of basement carparking. |

DA history

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| 15 th March, 2010 | DA lodged |
| 25 th March, 2010 | Letter to applicant advising that the development as proposed exceeds the maximum height limit and is required to be reduced in height. The letter also requested the submission of additional information relating to SEPP 65, public domain, carparking |

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| | provision and Integrated Development requirements. |
| 31 st March to 21 st April, 2010 | Notification of DA (two submissions received) |
| 7 th April, 2010 | Applicant requests a further seven days in order to address the issues raised in Council's letter. |
| 9 th April, 2010 | Receipt of additional information. |
| 5 th May, 2010 | DA considered by the Design Review Panel. |
| 6 th May, 2010 | DA referred to the JRPP for initial view. |
| 3 rd June, 2010 | Amended plans submitted, addressing the requirements of the Design Review Panel. The nature of the changes was such that the DA did not require renotification or resubmission to the Design Review Panel. |
| 12 th July, 2010 | NSW Office of Water's concurrence provided to Council. |

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is known as 7-9 Victoria Road and 21 Sorrell Street, Parramatta and is located on the south-western corner of Sorrell Street and Victoria Road. The site comprises three allotments being Lot 1 in DP 598452, Lot 10 in DP 1039079 and Lot 101 in DP 773101 with a combined site area of 1,448m² and containing two single storey retail/commercial premises and parking. Two storey buildings adjoin the site to the south and west. Surrounding development is a mix of commercial, churches, retail and residential, with the Rose & Crown Hotel (State Significant heritage item) located immediately opposite the site to the east. The site is in close proximity to the Parramatta CBD, Parramatta Park and the Parramatta River. The site has a gentle slope from west to east with a maximum gradient of approximately 1 in 18.

Palmer Lane is located to the south-western corner of the site and provides access to Palmer Street to the south. The nearby stormwater canal is located to the east of the site, behind buildings on the opposite side of Sorrell Street.

Nearby land to the north-west, east, south and west is zoned B4 Mixed Use, while land to the north-east of the site is zoned Residential 2(e) (Flood Prone Land) and 2(c).

Other significant development in the vicinity of the site includes the recently constructed 9 storey mixed use development occupying almost the entire street block of Victoria Road, Church Street, Sorrell Street and Ross Street immediately to the north of the site (on the opposite side of Victoria Road).

THE PROPOSAL

The proposal involves demolition of all structures and buildings and the construction of an eight storey mixed use building containing 53 dwelling units over 7 levels, 470m² of ground floor retail/commercial space and three levels of basement carparking over three levels for 70 cars. The works also include provision of an awning over the footpaths of Sorrell Street and Victoria Road, dedication of land at the rear of the site for the purposes of Council creating a turning area at the end of the Palmer Lane cul-de-sac, public domain works.

At this stage no specific use is proposed for the ground floor retail/commercial spaces and no signage is proposed. These will be the subject of future development applications.

The proposed unit mix is as follows:

| Bedrooms | Units |
|--------------|-----------------|
| 1 | 8 |
| 2 | 41 |
| 3 | 4 |
| Total | 53 Units |

The proposed building will have a height of 24 metres and an FSR of 3.54:1.

PERMISSIBILITY

The proposed use is defined as “mixed use development” under Parramatta City Centre LEP 2007.

The definition states:

***“Mixed use development”** means a building or place comprising 2 or more different land uses.’*

The proposal satisfies the definition of a “mixed use development” and is permissible under the Mixed Uses B4 zoning applying to the land.

REFERRALS

Development Engineer

The proposal has been referred to Council’s Development Engineer for review. The following comments were provided:

DOCUMENT AND PLAN REFERENCE

The following documents were reviewed in assessing the proposal:

DISCUSSION

Stormwater Disposal

Stormwater issues were discussed with the drainage consultant engineer to extend the 375mm diameter pipe in the road and drain into a pit on Sorrell Street, in order for the discharge pipe to drain at a maximum 45 degrees.

The cul-du-sac issue was discussed with Council's Construction Design Team on 11th May, 2010 and it was agreed to add a condition of consent requiring the proponent to refer the approved plans to the Service Manager - Civil Infrastructure prior to the commencement of works, for additional detailed consideration.

CONCLUSION

The proposal satisfies the requirements of Council's controls and can be supported, subject to standard and special conditions of consent.

Planning comment:

I concur with the advice provided by Council's Development Engineer with respect to drainage issues. Appropriate conditions of consent are included in the recommended development consent.

Landscape

The application has been referred to Council's Landscape Officer for review. The following comments were provided:

"Issues

Impact on Site Trees

There are no trees located upon the site that are worthy of retention.

Impact on adjoining trees

One street tree is located on the adjacent street, this being located on Sorrell Street. This tree is to be protected during the various stages of the development. No work shall commence on the site until the trunk is protected by the placement of 2.0 metres lengths of 50 x 100mm timbers spaced at 150mm centres and secured by 2mm wire at 300mm wide spacing over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site.

Any damage to the tree shall be treated immediately by an experienced AQF Level 3 arborist, a report detailing the works carried out shall be submitted to the Principal Certifying Authority

Landscape

The proposed landscape plan is considered satisfactory subject to consent conditions.

No objections are raised to the mix of exotic and native trees and shrubs to be planted within the site's internal courtyard."

Planning comment:

I concur with the advice provided by Council's Landscape Officer with respect to landscaping issues relating to the existing tree on the Sorrell Street road reserve. Appropriate conditions of consent are included in the recommended development consent.

Heritage

The application was referred to Council's Heritage Adviser as the site is located in close proximity to the Rose & Crown Hotel (opposite the site to the east) listed as a heritage item of State Significance under Parramatta City Centre LEP 2007. The subject site itself has no known conservation or heritage significance. The following comments were provided:

"The following heritage matters were considered:

- The relatively large proposal affects three properties, none of which contain heritage items.*
- The existing building at 7 Victoria Road is of some potential heritage interest, being an Interwar shop of qualities relatively rare for the area.*
- Other buildings to be demolished as part of the proposal are not known to be of heritage interest in their own right.*
- The sites affected by the proposal form a relatively large complex immediately across the road from the notable heritage item at 11 Victoria Road (Rose and Crown Hotel) and in the relative proximity of the heritage item (Church Hall) at the rear of 356 Church Street.*
- The proposal, if built as per the current plans, would create an eight-storey modern building across the two-lane street from the two-storey heritage item. The general impression is that the new development could potentially overwhelm the historic item.*
- A preferred heritage outcome would be to allow sufficient curtilage to the heritage item including in the third (vertical) dimension by increasing the setbacks of the upper levels of the building from the Sorrell Street elevation.*
- The materials and finishes of the newly proposed development are not related to those already present in the area, and would not be likely to*

create a suitable background to the heritage item Rose and Crown Hotel.

- It will be possible to see the newly proposed development from the direction of various other heritage items in the wider area, including that at 11 Sorrell Street, however, the impact on the views to these significant items is not considered critical.*
- The known Aboriginal sensitivity of the affected grounds is low.*
- The Archaeological potential of the affected grounds is considered low and, should any relics be discovered, the significance of those relics is not likely to exceed the local level. However, given the level of excavation, the NSW Heritage Council should be offered a chance to assess the impact on potential archaeological values.*
- The site is not in any of the Conservation Areas, and it is at some distance from the near-by areas.*

Recommendation

In summary, based on the available information:

- 1. It is recommended to request a modification of the design so as to set the upper levels of the proposed new development further away from the boundary of the heritage item. From the strictly heritage perspective it would be desirable to draw an imaginary line from the base of the wall of Rose and Crown Hotel under an angle of 45 degrees (in the northern elevation), and no part of the new development should encroach on that imaginary line.*
- 2. It is recommended to utilise more subdued architectural forms in order to blend in better with the existing built environment. The particularly uncommon elements and those that are deemed to not age well should be removed from the proposal. These include thin concrete surfaces currently present on two floors of the proposed new building (particularly around balconies).*
- 3. It is recommended to contact the Heritage Branch of the NSW Department of Planning and establish whether a Permit to disturb grounds under the NSW Heritage Act will need to be sought before works can be approved.*
- 4. Any potentially new information may be re-referred to the Council for consideration.*
- 5. Given the size and nature of the proposed development, it is recommended to refer the proposal to the Council's Urban Designer.*

Planning comment:

I do not concur with the advice provided by Council's Heritage Adviser with respect to the scale and bulk of the building, its impacts on the Rose & Crown Hotel and the nature of Sorrell Street.

Sorrell Street has a greater width than a two lane street, carrying two lanes of parked cars and two lanes of moving traffic. It is considered that it offers sufficient

separation between the two adjoining sites and that reducing the envelope to such a degree that the building would be contained beneath an imaginary line drawn 45° from the base of the western façade of the Rose & Crown Hotel would not achieve any significant visual benefit.

The site is located within a B4 Mixed Use zone and within the Church Street North Special Character area. The objectives of both the zone and the character area anticipate a range of compatible land uses and protecting and enhancing the unique qualities and character of the special area. Specifically, the DCP states that it is intended that the Church Street North Special Character Area becomes *“a vibrant and diverse mixed use precinct that can complement the city centre core.”* Having regard to the objectives of the City Centre LEP, the zone and the controls for special areas, the proposal is considered appropriate for the site.

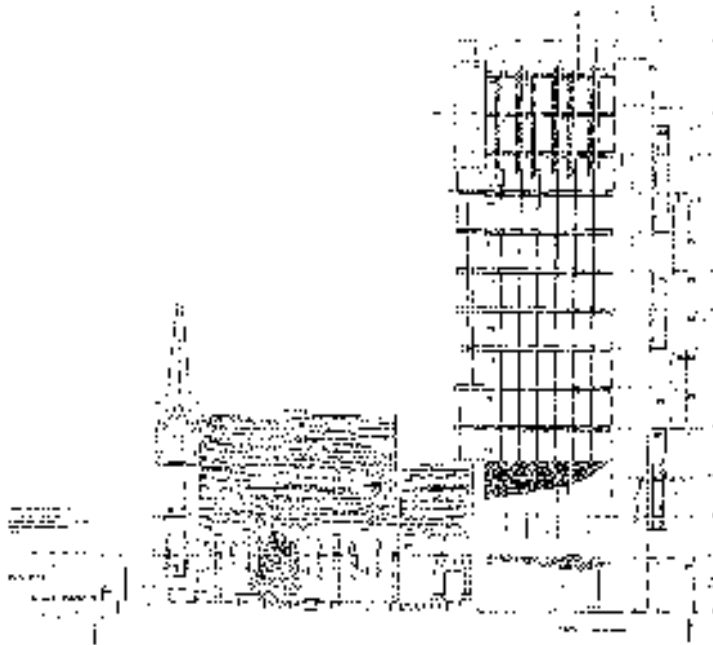
In the assessment of the Plaza West development (DA/779/2006) on the opposite side of Victoria Road, consideration of the scale of the existing retail development along the southern side of Victoria Road was undertaken. However, it was the view of Council that that development was of an appropriate scale and a desirable development in the context of the desired future character of the area. Similarly, that development was not required to be set back at its upper levels to have regard to the scale of the Rose & Crown Hotel diagonally opposite.



Similarly, to the east of the site (and immediately adjacent to the south of the Rose & Crown Hotel at 20-24 Sorrell Street), an eight storey development was recently approved (DA/556/2009), without the need to have the upper levels setback a greater extent than what is sought by the building frontage height controls of the Parramatta City Centre DCP.



A recent development proposal (DA/466/2008) for the nearby site at No. 356 Church Street was twice refused by Council and later by the Land & Environment Court. That site is located approximately 60 metres to the south-west of 7-9 Victoria Road at the southern end of Palmer Lane.



The previously proposed development (above) sought the demolition of a heritage-listed church hall and the construction of a 14 storey commercial building attached to and partly cantilevered over the existing State Significant heritage-listed St Peter's Uniting Church. That development was considered to be confrontational in terms of its impacts on the heritage item (in addition, it exceeded the maximum height control prescribed by Clause 21 of the City Centre LEP). In the case of the development at

7-9 Victoria Road, it is considered that the proposal is adequately separated from the site visually and spatially and that setting back the upper levels is not necessary.

Accordingly, it was the view of the assessing officer and the Design Review Panel that building envelope modifications to such an extent as requested by Council's Heritage Adviser were not required.

A standard condition will be imposed requiring the applicant to consult with the Heritage Branch of the Department of Planning regarding archaeological issues.

A further condition of consent will require the archival recording of the existing Art Deco style shop at 7-Victoria Road, including internal and external photographs being submitted to Council for recording purposes.

Urban Design

The application was referred to Council's Urban Designer for review. The following comments were provided:

"Context

A two storey heritage item, The Rose and Crown Hotel, is located directly opposite the site on the eastern corner of Victoria Road and Sorrell Street. Several sites within the area are undergoing change from low density retail/commercial to medium density mixed use, as envisaged in the City Centre planning controls. A six- storey mixed use development (Plaza West) will be completed on the opposite side of Victoria Road and an eight storey residential building is proposed opposite the site at 20-24 Sorrell Street.

Background

There is a live consent (DA/907/2006) for the site for a five storey mixed use development consisting of 305 sqm of ground floor retail/commercial floor space, 28 apartments and 45 underground car spaces. The approved scheme has a GFA of 2,884 sqm, a height of 15.1m and an FSR of 2:1, in line with previous planning controls.

In 2007, the controls for the site changed with the adoption of the Parramatta City Centre LEP and DCP. FSR has potentially doubled from a maximum of 2:1 to 4:1 and the height limit has increased from 15.1m to 24m.

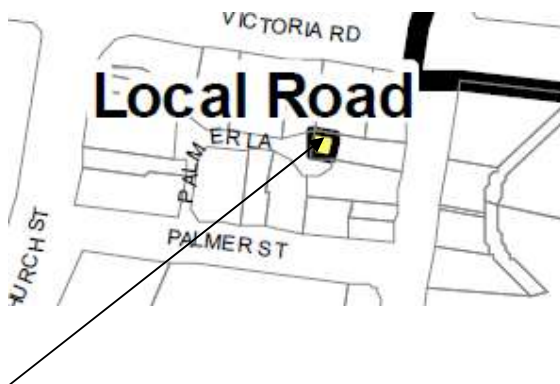
Proposal

The application seeks consent for the development of an 8 storey mixed use development consisting of 470 sqm of ground floor retail/commercial floor space, 53 apartments and 70 underground car spaces. The proposal has a GFA of 5122.7 sqm, a height above the 24m height limit of the LEP and an FSR of 3.54:1. The

residential component consists of 8 x one bedroom units, 41 x two bedroom units and 4 x three bedroom units (53 in total).

Land Acquisition

The south west corner of the site is identified in the LRA-001 Local Road Widening Land Reservation Acquisition Map within the City Centre LEP. This has been indicated in the plans as 'proposed cul-de-sac to Council's details (if acquired by Council)'.



(Land to be acquired. Land Acquisition Map – Amendment 3 – 9th July, 2010 – Clause 25 of Parramatta City Centre LEP 2007)

The following urban design concerns are raised in relation to the proposal:

Building Height

The lift overrun, roof top stairs and top floor roofline of the proposal exceeds the height limit of 24m specified in City Centre LEP by up to 3.8m.

Floor to Ceiling Heights

The Design Verification Statement (p25) gives a minimum floor to floor distance of 3.4m for the ground floor, which does not meet the controls outlined in the City Centre DCP (Part 2.5b). The ground floors of all mixed-use buildings are to have a minimum floor to ceiling height of 3.6m. Additional height between the slab and ceiling may be required for service ducting. The applicant needs to provide an explanation of how the ground floor is proposed to be serviced if this is not provided. Above ground level, minimum floor to ceiling heights are 2.7m.

Ground Floor Layout

The ground floor layout could be improved by addressing the following issues:

- the residential lobby is convoluted and would be improved by direct sight lines from Sorrell Street and possibly the communal open space; and*
- the cul-de-sac constrains the communal open space and the driveway isolates it from the entry and lobby areas;*

The ground floor layout should be amended so that:

- *the residential lobby has direct sight lines to Sorrell Street; and*
- *the communal open space is relocated to provide a more direct relationship to the residential lobby and entry from Sorrell Street.*

Colonnade

Colonnades are not generally recommended within the City Centre. However, there are several factors which would support a colonnade in this location including:

- *existing setbacks to adjacent buildings;*
- *north facing orientation providing good solar access;*
- *improved pedestrian amenity of an enlarged and sheltered walkway adjacent to a busy main road;*
- *the potential for a protected outdoor dining environment;*
- *improved views and sight lines to the heritage Rose and Crown Hotel; and potentially Prince Alfred Park and St Patrick's Cathedral.*

The colonnade design should be amended so that there is a minimum floor to ceiling height of 3.6m. The awning to Sorrell Street should be removed and instead the colonnade should turn the corner and extend along Sorrell Street to the apartment entry.

Note: the applicants should be required to liaise with adjoining property owners and remove any low height walls so that the colonnade is connected along the Victoria Road frontage.

Through-site link

The current live consent includes a side setback on Victoria Road which provides a pedestrian link from Victoria Road to Palmer Lane. No pedestrian link from Palmer Lane is included in the current proposal. There is a long, narrow side setback on Sorrell Street for a new sewage line that is poorly proportioned, inaccessible and potentially a wasted space.

Pedestrian access to Palmer Lane from Sorrell Street is currently possible through the on grade car park and it is suggested that there is a strong opportunity to retain this access by providing a 4m side setback to the development. From Palmer Lane, this link would allow views to the church steeple looking east, retain an existing pedestrian connection to Sorrell Street as well as incorporate the sewage line setback. This could replace the need for the cul-de-sac by providing vehicular access from Palmer Lane.

Cross Ventilation

Kitchens and bathrooms should be naturally ventilated where possible. The kitchens to Units 32, 35 and 38 should have operable windows to the external facade.

The walk in robes to bedroom 1 in Units 9, 10, 11, 12, 13 and 14 are not required to be naturally ventilated. Design options should be considered to relocate these internally so that habitable south facing rooms have greater access to natural light and ventilation.

Setbacks

Levels 5-7 of the proposal do not comply with the setbacks provisions outlined in the DCP. A large proportion of the upper floors of both street frontages are balconies, which are enclosed by full height blade walls and set back 3m from the boundary. The external walls are setback 4m from the boundary, giving an average setback of approx 3.5m.

Setbacks are defined as the distance between the property boundary and a building wall or the outside face of any balcony (CC LEP 2007 p76). Floors above the street frontage height (12-16m) are required to be set back by an average of 4m (CC DCP 2007 Part 2.2). Greater setbacks to the property boundary are required for street frontages above level 5, including balconies, to meet DCP requirements. Setbacks to a busy road are important for improving acoustic amenity.

Solar Access

There is concern that the living areas of the units facing Sorrell Street will not receive adequate periods of sunlight based on the shadow diagrams that have been provided. It is noted that these units have been designed with a wide external frontage and large windows to the living areas in order to increase solar access.

Apartment Mix

The proposal consists of 8x one bedroom units (15%), 41x two bedroom units (77.5%) and 4x three bedroom units (7.5%) for a total of 53 apartments. This does not comply with the controls in the DCP, which allow a maximum of 75% for two bedroom units and a minimum of 10% for three bedroom units.

Recommendations

It is recommended that the proposal is altered to address the above concerns:

- building height is to comply with the LEP height limit of 24m;*
- the ground level floor to ceiling height is to comply with the DCP minimum of 3.6m;*
- the residential lobby is to have direct sight lines to Sorrell Street;*
- the communal open space is to be relocated to provide a more direct relationship to the residential lobby and entry from Sorrell Street.*
- the awning to Sorrell Street is to be removed;*
- the 3m wide colonnade from Victoria Road is to be extended across the corner to the apartment entry on Sorrell Street;*
- the minimum floor to ceiling height for the colonnade is to be 3.6m;*
- consider a lane connection to Palmer Lane to replace the cul-de-sac or at least provide pedestrian connection from Palmer Lane;*

- *operable external windows are to be provided to the kitchen of Units 32, 35 and 38;*
- *internalise the walk in robes of Units 9, 10, 11, 12, 13 and 14 to provide greater access to natural light and ventilation to the bedrooms; and*
- *the upper level setbacks are to comply with the DCP with an average setback of 4m above street frontage height.”*

Planning comment:

In response to each of the issues raised above, the following comments are made:

Building height

The height of the building has been reduced in order to comply with the prescribed height limit of 24 metres. Protrusions beyond 24 metres are architectural roof features and are permitted by Clause 21A of the City Centre LEP.

Floor to ceiling height

The amended plans increase the floor to ceiling height of the commercial floor level to 3.6 metres.

Residential lobby

The amended plans improve the visual relationship between the communal courtyard and the entry lobby off Sorrell Street by opening up the view of the internal courtyard as building occupants and visitors enter the lobby area.

Communal open space

The communal space did not need to be relocated to be able to achieve this. Instead, the colonnade has been removed and the ground floor of the building moved forward to the front boundary adjacent to Victoria Road. This significantly improves the interrelationship between the entry lobby and the communal courtyard.

Awning to Sorrell Street

Further discussions with the applicant and the Design Review Panel have resulted in a continuous awning being provided to the Sorrell Street and Victoria Road frontages. This is a better design solution for the building.

Colonnade to Sorrell Street

As above.

Floor to ceiling height of colonnade

This issue is no longer relevant given the removal of the colonnade

Lane connection to Palmer Lane

Council proposes a lane extension to Palmer Lane and a cul-de-sac to be provided with direct pedestrian access to the site. A through-site link or lane connection in this location is not deemed necessary as:

- better street activation would occur if pedestrians were encouraged to pass new premises on either Victoria Road or Sorrell Street to reach their destinations;
- a through-site link in this location does not link transport hubs;
- a lane extension to Victoria Road is unlikely to be supported by the RTA.

Operable external windows to kitchens

This is to be a condition of consent.

Robes

The applicant has opted not to revise the plans to achieve this. No objections are raised as the robes fit well architecturally with the adjacent balconies of their respective units.

Upper level setbacks

The setbacks from Sorrell Street vary from 3 metres minimum to a maximum of 4.29 metres. The setbacks from the Victoria Road boundary vary from a minimum of 3 metres to a maximum of 4 metres. The average setback at a height over the street frontage height of 12-16 metres is required to be 4 metres. To both the Sorrell Street and Victoria Road frontages, the average setback measured vertically and horizontally would be approximately 4 metres. The protrusion of balconies is countered by the face of the wall above and behind the balcony which will be greater than 4 metres. Walls adjacent to the faces of balconies will be setback 4.29 metres.

The applicant was not requested to modify the building in this regard.

Roads & Traffic Authority of NSW

The following comments were provided by the RTA in response to Council's referral of the proposal:

I wish to advise that the RTA has reviewed the application and raise no objection, as the proposed development is unlikely to have significant traffic impact on the classified state road network.

However the plans indicate that there would be a redundant driveway on Victoria Road which shall be removed with kerb and gutter reinstated. It is noted that the removal of the existing driveway and associated road works on Victoria Road requires RTA concurrence in accordance with Section 138 (2) of the *Roads Act, 1993*.

I wish to advise that the RTA would grant its concurrence subject to the Council's approval of the development application and the following requirements being complied with:

1. The redundant driveway on Victoria Road shall be removed with kerb and gutter reinstated to RTA's requirements.

Details of further requirements can be obtained from the RTA's Project Services Manager, Traffic Projects Section, Parramatta (ph: 02 8849 2144).

A certified copy of the design plans shall be submitted to the RTA for consideration and approval prior to the release of any construction certificate(s) for the proposed development by Council or commencement of any works.

The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of the works.

2. The developer shall submit detailed engineering drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment (prior to the approval of any Construction Certificate). The developer shall meet the full cost of the assessment by the RTA.

The report would need to address the following key points:

- a. The impact of excavating work on the stability of the Victoria Road and detailing how the carriageway would be maintained for settlement;
- b. The impact of the excavation on the structural stability of Victoria Road;
- c. Any other issues that may need to be addressed (Contact Geotechnical Engineer Stanley Yuen on Tel: 0037 0246 or Contact Traffic PM 8837 0741) for approval.

3. All works associated with the proposed development shall be at no cost to the RTA.

These issues are included as conditions of consent, with Points 1 and 2 to be satisfied prior to the release of the construction certificate.

The RTA also makes an advisory note concerning the issue of acoustic treatment having regard to the provisions of Clause 102 of State Environmental Planning Policy (Infrastructure) 2007. Clause 102 applies to land adjacent to roads having an average annual daily traffic volume of more than 40,000 vehicles. Information from the RTA's website indicates that (according to the most recent data available for this part of Victoria Road - 2008) between 20-40,000 vehicles use this part of Victoria Road daily. This provision of the SEPP therefore does not apply. Notwithstanding, an acoustic report was submitted with the DA and its recommendations form part of the

recommended development consent and the RTA recommends on its website that an assessment be undertaken.

PUBLIC CONSULTATION

In accordance with Council's Notification DCP the proposal was advertised with owners and occupiers of surrounding properties were given notice of the application for a 21 days period between 31st March and 21st April, 2010. In response, 2 submissions were received. The issues raised within those submissions are addressed below.

Tanert Pty Ltd of 382 Church Street, Parramatta

Does not specifically object to the development but questions whether sufficient carparking spaces will be provided within the development and, if not, what impact this would have on parking and businesses within the area.

Planning comment:

Seventy carparking spaces are to be provided over the three basement levels. Provisions in the City Centre LEP require the development to provide 68 spaces if the ground floor is to be used solely for commercial space and 74 spaces if the ground floor is for retail use. Whether the development complies with the exact carparking requirement will ultimately be dependent on the use of the ground floor tenancies which will require separate development consent.

Council will be able to undertake this assessment upon receipt of future development applications for the fitout and use of the ground floor of the building.

At this stage, it is evident that the proposal will provide adequate carparking provision for the predominantly residential use of the building, plus compliant allocation for visitors.

The plans submitted with the application indicate that 53 residential, 10 visitor and 7 commercial/retail spaces will be provided. As this results in every residential unit having at least one space, and there being provision for visitors and ground floor retail/commercial tenancies and given the site's location in close proximity to the CBD and public transport, the proposed carparking provision is considered appropriate.

Confidential objector

Production of waste

Planning comment:

Council's Waste Services Division considered the submitted waste management plan in relation to the DA and recommended its approval, subject to conditions that must be satisfied prior to the release of the construction certificate, including

ensuring that the development is provided with enough bins and that the waste storage areas are of sufficient size.

The applicant is to furnish to Council copies of quotations from private contractors to include number and size of bins and frequency of collections for both general and recycling with respect to the residential component of the building and in relation to the use of the ground floor tenancies upon submission of first occupancy development applications

This is to ensure that this development will be properly serviced and the waste storage area will be large enough to store the required number of bins. This is also to confirm what the applicant has proposed in the on-going waste management component of the waste management plan. Council also requires advice concerning who will be responsible for the maintenance of the bins.

Tree removal/ National Tree Day

Planning comment:

There are no trees on the site that are considered of such quality that warrants their retention. The existing Brush Box on Sorrell Street will be required to be protected and new street trees will be planted on the Victoria Road footpath.

In addition to new street trees, additional planting is proposed in the communal ground level courtyard. This will improve the overall appearance of the site when viewed from the public domain and will provide a suitable area for occupants of the site for passive recreation. The communal courtyard will have an area of approximately 217m².

Recycling of waste/reuse

Planning comment:

The recommended conditions of consent require that in the demolition of all buildings and structures on the site suitable regard is made to the possibility of recycling building materials.

Ample space for children to play must be provided

Planning comment:

The development's footprint will allow for a 217m² landscaped courtyard at ground floor level and a roof terrace of approximately 380m². The roof terrace will feature large usable areas with BBQ facilities, chairs and tables, sufficient dimensions for play areas and planter boxes. In addition each unit will have a balcony and /or a private courtyard and the proposal will ensure that ample space will be provided for children to play, as well as for the planting of trees, shrubs and plants. The roof terrace area will be safe for children to play, featuring high glass balustrades to all sides to ensure safety and amenity (wind protection).

Section 96 avoiding DA must be avoided

Planning comment:

Any future applications (if relevant) to modify the development will be assessed on its merits to determine whether such modifications fall within the parameters prescribed by Section 96 of the Environmental Planning & Assessment Act, 1979.

Telecommunication devices

Planning comment:

There are no such devices forming part of this proposal.

Exposure to main roads

Planning comment:

The building would be exposed to noise levels from Victoria Road. However, this part of Victoria Road does not carry the traffic volumes that are present in locations further east of the site.

However, the acoustic report submitted with the DA makes a number of recommendations concerning acoustic attenuation measures to be employed in the construction of the building, including:

- Use of acoustically treated glazing and doors
- Solid walls
- Acoustic air seals in strategic locations, particularly along the northern façade.

In terms of air quality, this report concludes that there is no current evidence to suggest that the approval of residential development along main roads generally has adverse health impacts such to warrant refusal of the application. The extent of disamenity of the future occupants of the mixed uses building is not considered to be so sufficiently poor to warrant refusal of this DA. This issue is addressed in more detail below.

Heritage impacts

Planning comment:

The site and its improvements hold no particular heritage or conservation values. However, the site is located immediately across the street from the State Significant Rose & Crown Hotel.

While there is impact on any smaller building as a result of a building of greater mass and scale being located in close proximity, it is considered that the impact of the proposed development will be acceptable for the following reasons:

- The Rose & Crown Hotel is an isolated and visually self-contained building with its predominant visual façade being that facing Victoria Road (to the north). The proposed building has no impact on this view corridor.
- The width of Sorrell Street offers a distinct visual break between the sites.
- The proposed building will be articulated in a modern and distinct styling, ensuring that it does not mimic the characteristics of the hotel.

Utilities

Planning comment:

The development is unlikely to cause additional burden on existing infrastructure within the area. Prior to occupation of the building, the proponent will be required to furnish Council with satisfactory evidence in relation to the provision of water, sewer, power and telecommunication infrastructure for the site. This development is also subject to Section 94A Contributions which will be used in part to improve facilities and services in the local area.

Industrial/brothel activity

Planning comment:

The proposed development does not relate to industrial or sex services premises activity. This issue is therefore not relevant to this DA.

Increased commercial activity

Planning comment:

The proposal includes 4 x ground floor commercial and/or retail premises. The use and fitout of these will need further development application approval of Council. However, the zoning and the location are considered suitable for commercial and retail activity. Council will ultimately assess the merits of the specific use(s) at a later stage, particularly in relation to the provision of carparking on the site and general amenity issues relating to the proximity of residential properties.

Amended Plans

Yes

Amended plans were received on 9th April, 2010 and 3rd June, 2010 in response to Council's initial concerns and later by issues raised by the Design Review Panel.

Summary of amendments

Yes

- Reduced height in order to comply with the maximum height limit of 24 metres prescribed by the City Centre LEP;
- Simplified schedule of finishes and materials relating to the street frontages;
- Floor to ceiling level of the ground floor raised to 3.6 metres;
- Reconfigured entry lobby;
- Deletion of Victoria Road colonnade;

- Integrated awning along the Sorrell Street and Victoria Road frontages of the building;
- Street trees to Sorrell Street and Victoria Road;
- Reconfigured courtyard;
- Internal (and minor external) changes to units reflecting the changes sought by the Design Review Panel.

Amended Plans re-advertised or re notified

No

Reason amended plans were not re-advertised or re notified:

The changes do not intensify the impacts of the development, but improve its visual impact on the streetscape as well as improving internal amenity for future occupants. For these reasons, the proposal did not require renotification.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The provisions of SEPP No. 55 have been considered in the assessment of the development application. The site is not identified in Council's records as being contaminated. Further, the site does not have a history of a previous land use that may have caused contamination and there is no evidence that indicates that the site is contaminated. Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The application for this mixed use building has been accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled. The Basix Certificate was amended having regard to the submission of amended plans.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

That part of Victoria Road, Parramatta to the east of Church Street is a State Road and therefore a classified road. Accordingly, Clause 101 of the SEPP (Development with frontage to classified road) applies, requiring Council to ensure that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and

- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

In response, the following comments are made:

- (a) vehicular access to the site is to be provided off Sorrell Street and the proposal is acceptable to the RTA;
- (b) the safety, efficiency and ongoing operation of Victoria Road will not be adversely affected by the development having regard to the criteria outlined by Clause 101(2)(b);
- (c) The NSW State Government and its various authorities and departments have long recognised the air quality of Sydney to be a major issue. The issue is not a new one and these various bodies have, over time, prepared various policy and discussion documents on this matter. These include the various NSW State of the Environment reports and notably the 2003 report on 'Atmosphere', the Clean Air Forums of 2001 and 2004 and the Action for Air Plans of 2002 and 2006.

Most recently, the Department of Environment, Climate Change and Water with the Department of Planning, are reportedly combining to prepare policy guidelines for development along main roads in response to this issue. The issue is much wider than individual Councils and requires a more broad, state-wide response.

However, there is no current evidence to suggest that the approval of residential development along main roads generally has adverse health impacts such to warrant refusal of the application. The extent of disamenity of the future occupants of the mixed uses building is not considered to be so sufficiently poor to warrant refusal of this DA. In addition, any prudent, hypothetical future occupant of the building would be able to make up his/her own mind concerning whether the location was suitable for his/her needs and acceptable in terms of air pollution resulting from the volume of cars travelling along this part of Victoria Road.

In addition to this, it is submitted that the RTA would have been consulted at Section 64 stage in relation to the City Centre LEP and it raised no objection to the continued permissibility of residential development in this part of Parramatta.

Clause 102 of the SEPP requires Council to consider the impact of road noise or vibration on non-road development, particularly in relation to more sensitive receivers such as residential, hospitals, child care centres and places of public worship. The application of Clause 102 is mandatory in relation to development adjacent to roads with an annual average daily traffic (AADT) volume in excess of 40,000 vehicles and recommended in relation to development adjacent to roads with an AADT of between 20-40,000 vehicles. This part of Victoria Road (between Church Street, Parramatta and the off ramp near James Ruse Drive, Rydalmere) falls within the category of having an AADT of 20,000-40,000 vehicles.

Clause 102(3) of the SEPP states that

- (3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

Whilst the application of Clause 102 of the SEPP is not mandatory for this development, in this location, the recommendations of the RTA and those of the approved acoustic assessment which form recommended conditions of consent will ensure that the residential units facing Victoria Road will be able to meet the requirements of the SEPP.

STATE ENVIRONMENTAL PLANNING POLICY 65 (DESIGN QUALITY OF RESIDENTIAL FLAT BUILDINGS)

The application was referred to the SEPP 65 Design Review Panel's meeting of 5th May, 2010 for consideration. The Panel also noted the amendments that had been made to the scheme in response to Council's concerns with the height of the development.

The Design Review Panel made the following comments:

"The reduction to the height of the development is a significant improvement as it reduces the bulk and scale of the development and improves the relationship between the lower five storey component and the upper levels. The upper level setbacks are considered satisfactory.

The panel recommended further changes to simplify the upper levels of the building by reducing the number of materials and finishes on the facades and by repeating the main elements as they appear on the two street frontages.

The floor to ceiling height of the ground floor needs to be amended to comply with the council requirement of 3.6m.

The panel agreed with the urban design comments that the residential lobby is convoluted and could be improved by incorporating direct sight lines from Sorrell Street and the internal courtyard. There was some debate as to how this could be achieved. It was suggested that any modifications to the colonnade could be used to facilitate improvements to the courtyard and entry lobby by moving the shops closer to Victoria Road.

The idea of the colonnade is subject to Council's long term goals for Victoria Road and Sorrell Street. The colonnade should only be supported if it can be made continuous along Victoria Road to avoid blank walls and disconnected pedestrian routes. The applicant should liaise with the adjoining owner to seek resolution on this issue. The colonnade should also wrap around the corner and extend as far as the main entrance to the building. If that option fails then the ground floor should come forward to the street and incorporate an awning on both Sorrell Street and Victoria Road. The awning should allow for street trees on both frontages in accordance with the councils street tree planting policy.

Whilst the panel generally agreed that a through site link would be difficult to achieve on the subject site due to the car park ramp the applicant needs to demonstrate the relationship of the landscaped courtyard and the turning area at the end of the lane and to examine any opportunity to improve the amenity of the lane.

Other design improvements recommended by the Panel include;

- The walk-in robes to Units 9,10,11,12,13 and 14 should be deleted or relocated to increase natural light and ventilation to the units.*
- Media rooms should be deleted or redesigned to maximise living dining and kitchen spaces particularly in Units 21, 25, 29, 30 and 46.*
- Unit 17 needs redesign to avoid direct access to the bathroom from the living area and to maximise north and east orientation for the living area. A similar layout as that used for Unit 21 could be adopted.*
- The en-suite to Bedroom 1 of Unit 46 to slide southwards to increase the balcony size and to increase natural light and ventilation.*
- On the west face of Units 40, 42 and 44, shift the bathroom southwards so as to increase the length of the balcony and increase the opening to bedroom 1.*
- Delete the corner recess on the south west corner of Units 41, 43 and 45 to lengthen the balconies and improve natural light and ventilation to bedroom 1.*
- The south facing terrace on Levels 1-3 does not need to be so extensive. The terrace should be reduced in size or broken into smaller balconies to improve privacy between the units overlooking the courtyard and to increase daylight at the rear of the building.*
- The proposed blade walls to the north of the east facing balconies and to the east of the north facing balconies on Levels 5-7 should incorporate openings to allow direct sunlight to penetrate the units from the north east. The openings should be splayed so as to minimise any potential loss of privacy between the units.*

The Panel noted that reference is made to a mural in the entry foyer of the building and a sculpture garden. More detail on the conceptual framework of these artworks is required. It is recommended that the applicant engage a qualified Arts Planner to develop a comprehensive Arts Plan."

The plans were amended to satisfy the requests of the Design Review Panel in the following manner:

- Walk-in robes have been relocated elsewhere within those affected units allowing balconies to be widened, thereby increasing the availability of natural light and ventilation;
- The very small media rooms have been deleted from the scheme and/or converted to storage space or relocated to integrate with living areas;
- Unit 17 has been reconfigured to ensure that access to the bathroom is not from the living area and by increasing its exposure to the north;
- Ensuites to Units 40, 42, 44 and 46 have been moved further south with balconies widened, thereby increasing light and ventilation to those units;
- Corner recesses to Units 41, 43 and 45 have been deleted and increasing balcony width;
- Changes to balconies on levels 1-3 to the southern side of the building improving privacy and increased natural light; and
- Openings integrated into the proposed blade walls to the northern and eastern elevations allowing more natural light into the building, with splayed louvres to improve privacy between units.

The amendments are considered to satisfy the matters raised by the Design Review Panel.

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The statement addresses each of the 10 principles and an assessment of this is made below. Council's assessing officer's comments in relation to the submission is outlined below.

Context

Generally, the design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. This DA meets the requirements of the LEP in terms of height and FSR, as well as being a permissible land use. The context of the building is appropriate for its location

Scale

No issues arise in terms of the scale of the proposal. The scale of the building in itself is considered suitable within its locality, with the building meeting envelope and footprint controls prescribed by the City Centre LEP and its DCP.

Built form

The design generally achieves an appropriate built form for the site and the building's purpose, in terms of building alignments, proportions, type and the manipulation of building elements.

The non-residential functions, plus the residential access at the ground floor of the building reasonably define the public domain, contribute to the character of the future streetscape, and provide a suitable degree of internal amenity and outlook.

Density

The proposal would result in a density appropriate for a site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable and consistent with the desired future density. The proposed density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality.

Resource, energy and water efficiency

A revised Basix Certificate has been submitted with the application and the required design measures have been incorporated into the design of the building. The construction certificate plans will need to address certain other requirements outlined in the Basix Certificate.

Landscape

A landscape plan was submitted with the proposal. The landscaping options are considered to be adequate for the limitations available on this site. The ground level landscaping will provide suitable amenity for the future building's occupants and provide a suitable area for passive recreation and visual amenity. The proposal involves the use of native species within the communal courtyard.

Amenity

Generally, the proposal as amended is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.

Safety and security

The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy and ensuring that the ground floor tenancies are located at the street boundary. Whilst the building architecturally addresses the street and activates the frontage visually, the future uses of the ground floor will determine the degree to which activation occurs in a more physical sense.

Social dimensions

This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements, providing additional housing choice within the area in close proximity to public transport and potential employment opportunities.

Aesthetics

The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered aesthetically to respond to the environment and context, contributing in a reasonable manner to the desired future character of the area.

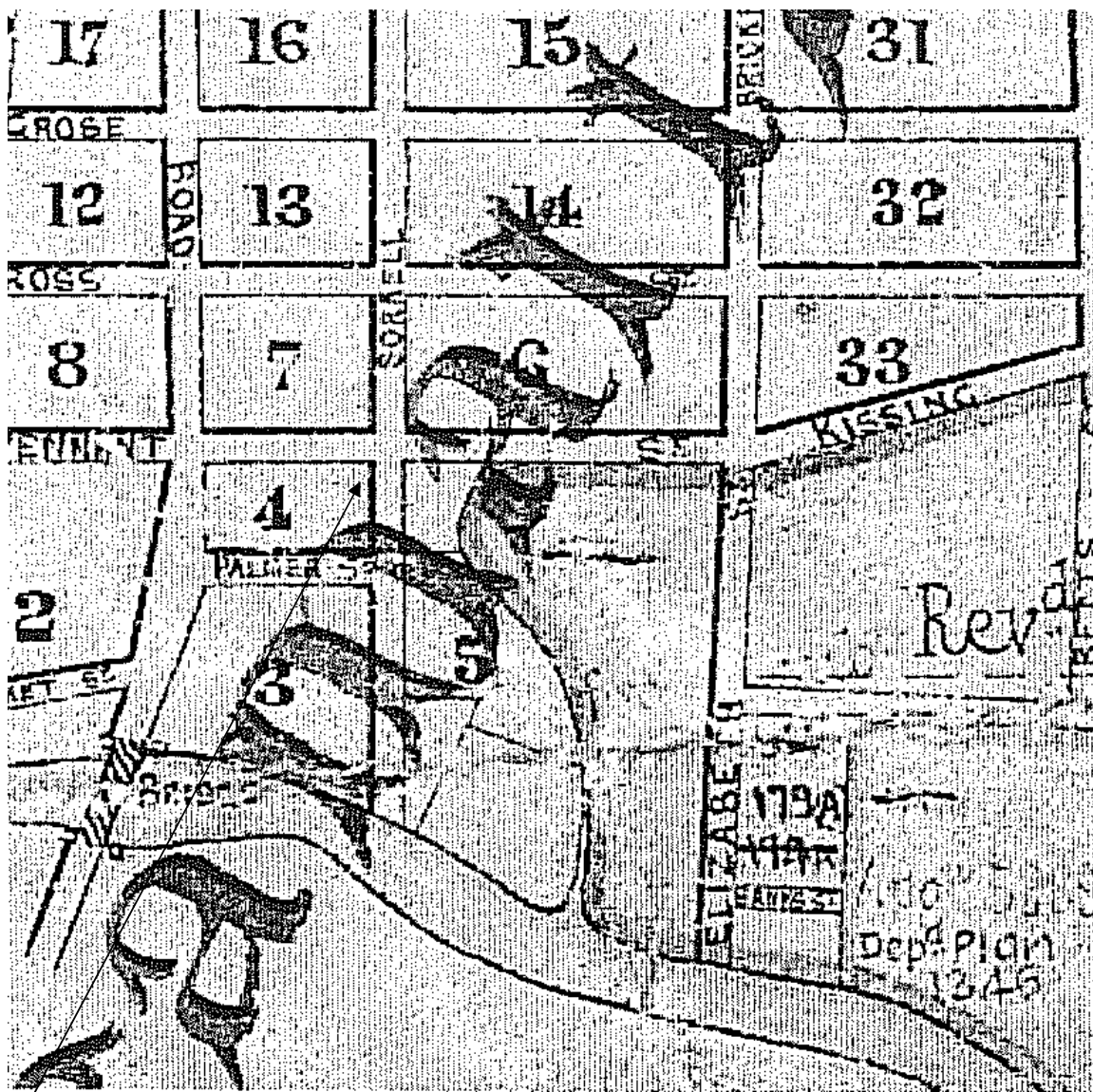
Water Act 1912 and Water Management Act 2000 - Integrated Development

The development is 'Integrated Development' as it involves works in proximity to a concrete encased stormwater canal that is a realignment of the original flow of Brickfield Creek. This is demonstrated on the map below. The realignment is defined as a 'River' in the Water Management Act 2000, namely:

“river includes:

(a) any watercourse, whether perennial or intermittent and whether comprising a natural channel or a natural channel artificially improved”.

The canal in this location is part of the original course of Brickfield Creek and is therefore part of a “natural channel artificially improved”.



The arrow indicates the location of the site. Brickfield Creek can be seen on this old Parish Map (Field of Mars) from an unknown date in the 19th Century as it maintained a very similar alignment to today's concrete encased stormwater channel. The canal is located on the opposite side of Sorrel Street to the east of the site. Pennant Street and Kissing Point Road to the north have long since been renamed Victoria Road.

The DA was referred to the NSW Office of Water for concurrence. The NSW Office of Water issued the following comments:

"Having regard to the information you provided, the NSW Office of Water has determined that:-

- *A Licence under Part 5 (section 112) of the Water Act 1912 (for temporary construction dewatering) is not required in relation to this development as it is currently proposed.*

- *An Approval under Part 3 (section 91) of the Water Management Act 2000 (for a controlled activity) is not required in relation to this development as it is currently proposed.*

The likely magnitude of temporary construction dewatering is not considered significant given the probable scale and duration of pumping at the identified locality, and the nature of the groundwater system beneath the site. The longer term intermittent pumping of seepage water that is likely to be required if the development consent granted by Council allows the adoption of a drained basement design is similarly not considered to represent a substantial impact on a significant groundwater resource. However Council may wish to apply a requirement for the subject development to incorporate a tanked basement design for other reasons not considered by the NSW Office of Water (such as the prevention of potential ground surface settlement, to protect future occupants from exposure to contaminated seepage or to address geotechnical engineering issues).

Care should be applied in disposing of any tailwater that might be generated from the dewatering pumping (approvals from other agencies or the consent authority may be required) and the potential impacts of potentially aggressive groundwater on the building and at discharge locations should be carefully considered by Council before excavation commences.

Should the proposed development be varied in any way that results in more extensive works on waterfront land (i.e. land in or within 40 metres of the highest bank of a watercourse) or more substantial excavation, the NSW Office of Water is to be notified. The NSW Office of Water will then ascertain if the amended development proposal requires General Terms of Approval."

PARRAMATTA CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2007

The relevant local environmental planning instrument is Parramatta City Centre Local Environmental Plan 2007 and the site is zoned Mixed Use B4 pursuant to this Plan. Within this zone a wide range of uses are permissible. The subject site falls within the definition of mixed use development. A mixed use development is a permissible use in the Mixed Use B4 zone.

Clause 12 – Zone objectives and Land use table

The development is considered to be generally consistent with the zone objectives, which relate predominantly to land use types in the mixed use zone. The use of the site for predominantly residential purposes, is not opposed.

The relevant matters to be considered under Parramatta City Centre Local Environmental Plan 2007 for the proposed development are outlined below.

Height – The site is subject to a height limit of 24 metres, as provided by the LEP (Clause 21). The proposal originally exceeded the maximum height limit for the site. The plans have been amended and the building, including all of its habitable space, complies with the statutory height limit. The protrusion beyond the roof relates to roof top features, permissible via Clause 21A of the LEP.

FSR – 4:1 permissible under Clause 22 of Parramatta City Centre LEP 2007 – the application proposes a maximum FSR of 3.54:1, hence compliance is achieved.

Building street frontage – Clause 22A of the LEP requires the development site to have at least one street frontage greater than 20 metres. The proposal complies with this requirement, having a frontage in excess of 35 metres to Victoria Road and in excess of 39 metres to Sorrell Street.

Design excellence – Clause 22B of the LEP requires Council to determine whether the proposed building exhibits design excellence in accordance with prescribed criteria. As noted above, the proposal demonstrates appropriate design quality and the recommended changes advised by the Design Review Panel have been adopted by the project architect. Accordingly, it is concluded that the proposal satisfies the requirements of Clause 22B of the City Centre LEP.

Parking – The plans depict 70 carparking spaces over three levels of carparking below street level. Clause 22C of the LEP requires residential parking at the rate of 1 per residential unit, and 1 space per 5 units for visitor parking; 1 space per 100m² of commercial floor space and 1 space per 30m² for shops. The proposal would require 53 residential parking spaces and 10 visitor spaces. This leaves seven spaces for the 470m² of ground floor retail and commercial units. Whether the carparking complies is dependent on the ultimate use of the ground floor tenancies.

This will be the subject of a merit-based assessment during the course of processing future development applications for the site, in particular the uses of the ground floor tenancies. For the purposes of this development application, with unknown ground floor uses, the carparking provision appears adequate.

Moreover, in response to Council's advice to the applicant concerning carparking numbers, the applicant has proposed that the extent of retail use at ground floor level be restricted to 90m², thereby ensuring that the carparking proposed complies with precise requirements prescribed by Clause 22C of the City Centre LEP.

Building separation – Clause 22D of the City Centre LEP refers to specific controls which are contained in the City Centre DCP. In this instance, Figure 2.1 of the DCP requires the building to have a continuous built edge to the street alignment along both Victoria Road and Sorrell Street. The proposal complies with this requirement.

However, the DCP also requires that any new building on this site is to have a 6 metre setback from the western side boundary and for any new building on the western side of the site to have a similar 6 metre setback (from its eastern boundary).

The proposal will be constructed to the boundary. Justification for the departure from the DCP controls and the therefore the development standard relating to building separation (in accordance with Clause 24 of the City Centre LEP) is provided in the commentary below (under Part 2 – Building Form).

The conclusions of this report are that the zero setback can be justified under the circumstances and that requiring a 6 metre setback would not achieve the objectives of the building separation controls.

Ecologically sustainable development – Clause 22E of the City Centre LEP requires Council to *“...have regard to the principles of ecologically sustainable development as they relate to the proposed development based on a “whole of building” approach....”*. In this regard, the proposal includes the following ecological features, as demonstrated in the Basix Certificate:

- Use of native landscaping;
- Use of 5 Star instantaneous gas water heating for each unit;
- In-slab heating and cooling system.

City Centre Special Areas - Objectives for development within Parramatta City Centre Special Areas. Clause 22G of the City Centre LEP requires Council to:

- *“to develop a strong sense of place for the street distinct from the central part of Church Street.*
- *To build upon the existing heritage character and views to enhance the area’s character.*
- *To integrate with the surrounding residential and civic context.*
- *To strengthen the urban character of Church Street North.*
- *To differentiate and emphasise gateway sites through the use of landmark buildings.*
- *To encourage activity at street level.*
- *To protect heritage buildings.”*

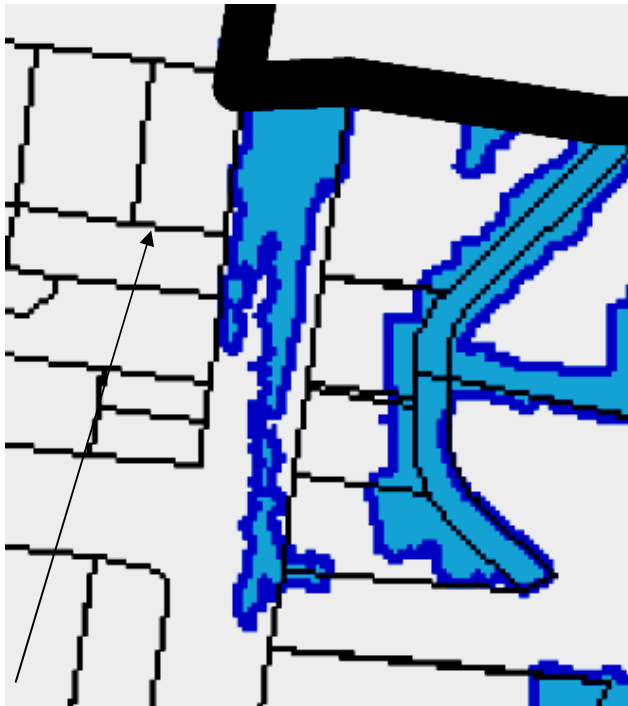
In this case, the site is located within the Church Street North Special Area depicted in Figure 1.2 of the DCP. The key controls relating to the Special Area include:

- *“All retail shops fronting Victoria Road must have primary entrances to the street.*
- *Off-street car parking is to be provided for both residential and commercial uses. Basement and semi basement designs with rear lane and side street access is preferred.*
- *Residential and commercial car parking spaces must be delineated and designed with separate access and having regard to safety and security.*
- *A mix of land uses should be achieved and focused on increasing activity after hours, with increased outdoor dining and improved public domain.*
- *Maintain lower, appropriately scaled development adjacent to heritage items.*
- *Increased setbacks are required adjacent to heritage buildings...to provide active frontages and address the street in a way that compliments the heritage character of this area.”*

The scale and massing of the proposal relates no so much to the adjoining development as it does to the anticipated future redevelopment of this underutilised area. There are a number of similarly scaled developments in the precinct, including the recent consent issued in respect of 20-24 Sorrell Street, and development to the west including the mixed use development recently completed at the intersection of Church Street and Victoria Road. The proposal also displays appropriate façade articulation and street level activation through design quality, thereby addressing the objectives of the LEP in relation to Special Areas.

Clause 33A – Development on flood prone land

The flood prone land map shows that the site is not flood affected and is not affected by the 1 in 20 year flood event, other than in respect of the adjacent street. The requirements of Clause 33A have otherwise been addressed by ensuring that all residential components of the development are well above the 1 in 100 years flood level.



The site

The map above shows the stormwater channel to the east of the site and the flood liability of the land being restricted to part of Sorrell Street to the east and southeast of the site.

Clause 33B – Acid Sulfate soils

The site is identified by the acid sulfate soils map as being class 5. For class 5 land consent is required for the following works:

Works within 500m of adjacent Class 1, 2, 3 or 4 land that is below 5m Australian Height Datum by which the watertable is likely to be lowered below 1m Australian Height Datum on adjacent Class 1, 2, 3 or 4 land.

The DA was accompanied by a geotechnical consultant's report addressing the potential impact of the development on acid sulfate soils. The report, prepared by Douglas Partners Pty Ltd (dated 11th February, 2010) concludes that it is unlikely that acid sulfate soil are present and that the preparation of an acid sulfate soils management plan is unnecessary on the basis that:

- The site is not underlain by estuarine sediments with acid sulphate soil potential; and
- That the development is not likely to lower the water table below RL 1.0 on adjacent Class 1, 2, 3 or 4 lands (associated with the banks of the Parramatta River 200m to the south of the site).

The development satisfies the requirements of Clause 33B of the LEP.

Clause 35 – Heritage conservation

The site is not a heritage item or within a heritage conservation area. However, there is a heritage item in close proximity to the site, that being the Rose & Crown Hotel located immediately to the north of the site. The development is consistent with the objectives of this clause.

It is noted that the site is located opposite the Rose and Crown Hotel and potential archaeological site (11 Victoria Road). The hotel is a heritage item of State significance.

The applicant has submitted a heritage impact statement, prepared by Weir Phillips Architects and Heritage Consultants (dated February 2010) with the proposal. This report concludes that:

- *“The Rose & Crown Hotel is an isolated, visually self-contained heritage item with only one significant view corridor, being from directly in front. The proposal has no impact upon this view corridor.*
- *The hotel and the site are separated by Sorrell Street which, because of its width, provides a distinct visual break between the two sites.*
- *The proposed new building uses modern proportioning and detailing, to mitigate its overall bulk and scale, particularly through the distinct delineation of the lower storeys. It does not mimic and hence detract from the hotel.”*

The applicant's Heritage Impact Assessment makes the following recommendations in relation to excavation associated with this proposal:

1. An application should be made for an excavation permit, issued under Section 140 of the NSW Heritage Act, 1977 because proposed development has potential to disturb moderately significant relics associated with occupation of the site;
2. This assessment report should be submitted with an archaeological Research Design to the NSW Heritage Council in support of the permit application;
3. Archaeological monitoring of the removal of existing slab should be undertaken at the site. In addition, archaeological direction of excavation of the upper 300mm of deposits below slab should be undertaken to (i) determine whether or not relics indicated on site exist and (ii) allow assessment of their integrity and significance;
4. Review of the results of this archaeological monitoring should be used to determine the need for any further archaeological work prior to resumption of bulk excavation; and,
5. Project management should make provision for integration of this archaeological work within the development's Critical Path.

These matters are included as conditions of consent.

Aims and objectives – mixed use zones

The proposed development is consistent with the aims and objectives of the B4 Mixed Use zoning applying to the land as the proposed works are suitably located and are of a bulk & scale that maintains suitable amenity for adjoining sites.

DEVELOPMENT CONTROL PLANS

PARRAMATTA CITY CENTRE DEVELOPMENT CONTROL PLAN 2007

The proposal is subject to the requirements of Parramatta City Centre Development Control Plan 2007.

The proposed development is consistent with the aims and objectives and controls of the City Centre Development Control Plan as the proposed works are suitably located and are of a bulk and scale that maintains suitable residential amenity for adjoining sites.

The table below demonstrates the proposal's compliance with the relevant controls of the DCP: -

| Code Policy / | Control | Requirement | Proposal | Compliance |
|----------------------|---|--|--|-------------------|
| PCC DCP 2007 | Section 2.1 – street setback | Continuous built edge to street alignment | Built to street alignment | Yes |
| PCC DCP 2007 | Section 2.2 street frontage heights Figure 2.7 | Nil for a height of between 12-16m, 4m average | There is an upper level setback required at the higher levels of the | Yes |

| | | | | |
|--------------|---|---|--|----|
| | | setback thereafter | <p>building. Height of 14 metres to Sorrell Street and a maximum of 13 metres to Victoria Road.</p> <p>The DCP requires the street frontage along Sorrell Street and Victoria Road to be flush with the street boundary to a range of 12-16 metres in height, then stepped back to an average setback of 4 metres above this to a maximum height of 24 metres.</p> | |
| PCC DCP 2007 | Building Separation – satisfy requirements of SEPP 65 | <p>12 metres between habitable rooms for that portion of the building between 0-12m in height, 18m separation for that portion of the building which is between 12m to 25m in height. Special location: Figures 2.1 and 2.13 of the DCP require a minimum side and rear setback of 6 metres in this location, except to the southern side, where 0-6 metres is permitted.</p> | <p>Blank walls are located to the side boundaries to the west (along Victoria Road) and to the south (along Sorrell Street). This will ensure that future buildings to either side are able to either have a zero or a 6 metre setback in accordance with the DCP and the Residential Flat Code. The side setback to Victoria Road and the western boundary of the site does not comply with the minimum 6 metres required by the DCP. Seemingly, this setback requirement is to</p> | No |

| | | | | |
|--|---------------------------------|---|---|---|
| | | | allow for the potential for a connection between Palmer Street to the south and Victoria Road. This contradicts Figure 3.1 of the DCP which does not propose a desired link in this location and proposes a pedestrian link further to the west of the site. See discussion below. | |
| PCC DCP 2007 and Residential Flat Code | Mixed Use Buildings Section 2.5 | <ul style="list-style-type: none"> - provide flexible ground floor plates - floor to ceiling heights <ul style="list-style-type: none"> o min 3.6 metres ground floor o min 2.7 metres all floors - separate loading docks / services - security controls at residential entrances - safe pedestrian routes - activate street frontages - avoid blank walls at ground level | <ul style="list-style-type: none"> - ground floor plates are flexible in design - ground floor has a ceiling height of 3.6m - all residential floors minimum 2.6 metres - off street loading is proposed - security provided to residential entrances - safe pedestrian routes provided - street frontage is activated and blank walls minimised | Yes (except for residential floors having a floor to ceiling height of 2.6 metres). This is not an issue with this DA. The submitted Basix Certificate does not consider that the floor to ceiling height is an issue and overrides those controls of the DCP |

| | | | | |
|--------------|-----------------------------------|--|---|--|
| PCC DCP 2007 | Deep Soil Zones Section 2.6 | Minimum 15% of site (site area 1,448m ² = 217.2m ²) | Approximately 217m ² of soft soil area provided as the communal ground level courtyard = 15% | Yes |
| PCC DCP 2007 | Landscape Design Section 2.7 | Submission of a landscape Plan | A landscape plan was submitted and is considered acceptable | Yes |
| PCC DCP 2007 | Pedestrian Amenity Section 3.0 | Pedestrian access provided through and around the site | Adequate pedestrian access provided within and around the perimeter of the site, the site does not present any significant opportunities for through site links. Better options in the area involve activation of the street frontages along Victoria Road and Sorrell Street in order to improve the amenity of these pedestrian routes. | Yes |
| PCC DCP 2007 | Car parking Section 4 | On site car parking to comply with PCC LEP 2007 | 70 spaces provided | Complies when retail use is limited to 90m ² . Future uses in excess or less than the prescribed carparking rate will need a variation pursuant to Clause 24 of the City Centre LEP |
| PCC DCP 2007 | Manoeuvring / Access Section 4 | Achieve compliance and AS2890.1 | Proposal can achieve compliance with | Yes (by way of conditions) |

| | | | | |
|------------------------------|---------------------------------------|---|---|--|
| | | | AS2890.1, subject to conditions relating to several carparking spaces. | |
| PCC DCP 2007 | Site Facilities Section 5 | Provision of either communal or private laundry facilities | Private laundry facilities are provided in each unit | Yes |
| PCC DCP 2007 | Housing choice, affordability and mix | 1 bedroom – 10-25% 2 bedroom – max 75% 3 bedroom – min 10% Minimum 10% to be adaptable | 53 units 8 X 1 bedroom – 15.09% 41 X 2 bedroom – 77.36% 4 X 3 bedroom – 7.5% 5 adaptable dwellings shown on plans (9.43%) | Yes No No No The non-compliances with the DCP controls are considered minor, acceptable and do not warrant refusal or modification of the proposal. The proposal is considered to contribute to the provision of ample choice of residential accommodation in Parramatta |
| PCC DCP 2007 & Res flat code | Private Open Space | A balcony, terrace, courtyard or garden should be provided for every apartment | All units have balconies | Yes |

| | | | | |
|---|-------------------------|--|---|--|
| PCC DCP 2007 & Res Flat code | Storage | 1 bedroom 6m ³ 2 bedroom 8m ³ 3 bedroom 10m ³ | Storage space is provided within the units and the basement car park | Yes |
| PCC DCP 2007 & Res Flat code | Balconies | Provide primary balconies for all apartments with a minimum depth of 2m. | Primary balconies for all apartments have a minimum depth of 2m. | Yes |
| PCCDCP 2007 & Res Flat code | Ceiling heights | Minimum 2.7m | Minimum 2.6m | No. The extent of variation is considered to be minor. The Basix Certificate does not consider that the floor to ceiling height is an issue and overrides those controls of the DCP. |
| PCC DCP 2007 & Residential Flat code | Internal circulation | Max 8 units to be provided off a double loaded corridor | Three cores each servicing a maximum of 3 units | Yes |
| PCC DCP 2007 & Res Flat code | Daylight Access | Living rooms and private open spaces for at least 70% of apartments should receive 3 hours solar access on winter solstice | All units have good aspect and will receive more than 3 hours solar access | Yes |
| PCC DCP 2007 & Res Flat code | Natural ventilation | 60% of units should be naturally cross ventilated At least 25% of kitchens should have access to natural ventilation | All units have opportunity for cross ventilation and all kitchens have access to natural ventilation | Yes |

The relevant sections of the plan have been addressed below:

PART 2 – BUILDING FORM

2.1 Building to Street Alignment and Street Setbacks

Figure 2.1 of the DCP identifies this part of the Sorrell frontage of the building as being a continuous built edge to street alignment.

The development achieves a continuous built edge to the entirety of the street frontage of Sorrell Street and Victoria Road. The setbacks at ground floor level Sorrell Street and Victoria Road comply with the requirements of the DCP, achieving a setback of zero metres.

However, Figure 2.1 of the DCP depicts a special side or rear boundary setback requirement of 6 metres along the lane to the west of the site and continuing through the site and extending to Victoria Road. This is addressed below.

Part 2.2 Street Frontage Heights

The Sorrell Street and Victoria Road frontages of the site is identified as street frontage Type E. Street frontage type A requires a 12.0 - 16.0 metres street frontage height, above the street frontage height the building is to be set back 4 metres.

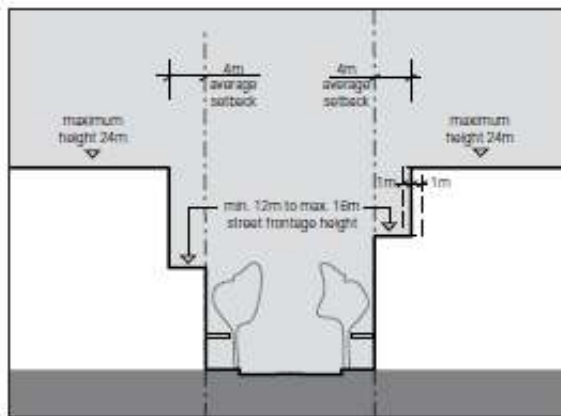


Figure 2.7: Street Frontage Height Type E. Street frontage height of new development should respond to existing adjacent built form and be in the range of 12-16 metres. Above the street frontage height buildings are to be set back 4 metres

The primary objective of the street frontage height controls is to encourage consistent street wall heights to strengthen the urban form of the city. These controls also have the effect of ensuring that building height and setbacks provide good amenity for the pedestrians in terms of solar access, wind mitigation and appropriate scale. Compliance with these controls is particularly important when a development is created on a mid block site and a 'street wall' effect created by consistent building heights is desirable.

The proposed building complies with the requirements of the street frontage heights required by the DCP.

Part 2.3 Building Depth and Bulk

The City Centre DCP provides the following controls for building depth and bulk:

| Control | Proposal | Compliance |
|---|--|---|
| Maximum floor plate preferred of 900m ² for residential buildings outside of the commercial core | Maximum of 730m ² | Yes |
| Maximum depth 18 metres | At all residential floors, the depth will be less than 18 metres | Yes |
| All points of an office floor to be no greater than 10 metres from a source of daylight | Main floor areas within 10 metres. Some entry areas greater than 10 metres | No (only in respect of rear entry recess) |
| Use of courtyards to improve internal amenity | Communal courtyard | Yes |

The proposal achieves compliance against the controls for building depth and bulk.

Part 2.4 Building Separation



The site

Figure 2.1 above depicts the location of the required 6 metres setback (the broken line) from the laneway off Palmer Street extending to Victoria Road to the west of the site.

Figure 2.13 of the DCP (below) depicts a requirement of 6 metres for each adjacent site, which would make redevelopment of the adjoining site to the west difficult (Lot 21 in DP 633510 has a front boundary of 13.45 metres), unless that site amalgamated with sites to its west.

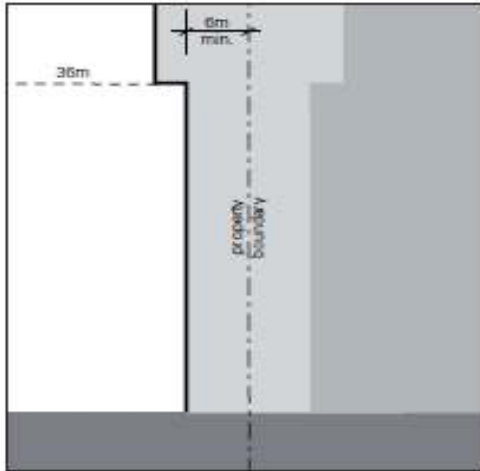


Figure 2.13: Minimum side and rear building setbacks for lower levels in special locations (as indicated in Figure 2.1). Applies north of Parkes Street and south of Victoria Road. For buildings above 36m setbacks in Figure 2.11 apply.

The objectives of the setback requirement are to provide adequate levels of privacy and sunlight to occupants of buildings. The objectives do not refer to providing a through-site link, nor do the controls at Figure 3.1 of the DCP. In addition, it is unlikely that it is intended that there be an extension of the laneway to Victoria Road, as Figure 3.5 of the DCP submits that additional vehicular entries to Victoria Road are not permitted in the proximity of the site.

Notwithstanding the 6 metres setback required adjacent to the western boundary of the site, the zero setback with blank walls does not alienate the development potential of the neighbouring sites to the west and would allow adjoining developments to be constructed to the boundary without windows.

In response to this, the applicant was requested to submit a request to vary the development standard relating to building separation. The following submission was provided by the applicant:

“This addendum to the submitted Statement of Environmental Effects for the above development further addresses the issue of building set-backs. The Parramatta City Centre DCP requires a side set-back of 6m on the western site boundary. The objectives of the control are set out in Clause 2.4 of the DCP and relate to residential amenity and wind mitigation and daylight access to the public domain.

The proposal provides for the building to be erected to the boundary. The DCP controls are embraced by the LEP, and any variation needs to be justified in terms of Clause 24 of the LEP. That justification is set out below.

Variation to the set-back standard is unnecessary and unreasonable in the circumstances of the case because –

- *The proposal represents an expansion of a previously approved development following adjustment to height and FSR controls. The modified development retains the previously approved side boundary set-back, and the circumstances have not otherwise changed.*
- *The proposal is not inconsistent with the objectives of the standard in that the amenity for residents of the proposal is not contingent on or affected by the absence of a set-back, and in the event that the adjoining site to the west is redeveloped for residential purposes, similar design solutions are available. The absence of a set-back is of no apparent consequence for the amenity of other land.*
- *The proposal provides a superior solution in terms of the public domain as it relates to the objectives of the standard, in that daylight access is unaffected and wind tunnel effects, particularly from southerly winds, are avoided. There is no public domain to the south that would be adversely affected.*
- *The proposal better achieves the objective of an active street frontage along Victoria Road. A side set-back that is unable to serve any amenity or active purpose has the potential to compromise safety and street appearance.*
- *The proposal better satisfies the Council and DRP agreed position in favour of continuous awnings along the site frontage. A side set-back requirement would inevitably interrupt that arrangement.*
- *The set-back serves no apparent purpose that would warrant reversal of Council's previously determined position.*
- *A DCP can only provide a generalised guide and is unable to fully account for variables on the ground, such as the existing consent in this case.*
- *The proposed building siting was not of concern to Council's Design Review Panel.*

The environmental planning grounds that justify contravening the development standard are set out in paragraph 3, and in the general merits of the proposal as set out in the original Statement of Environmental Effects."

I concur with the opinion of the applicant's planning consultant and recommend that the development standard for building separation be varied for the reasons outlined in this report.

Part 2.5 Mixed Use Buildings

The City Centre DCP provides the following controls for mixed use buildings:

| Control | Proposal/comment | Compliance |
|---|--|------------------------------------|
| Flexible building layout to allow for above ground floor variable tenancies | Each above ground floor is to be purpose-built for residential use. However, each unit could potentially be used as a home office | No |
| Ground floor floor-to-ceiling height minimum of 3.6 metres | 3.6 metres | Yes |
| Residential floors floor-to-ceiling height minimum of 2.7 metres | 2.6 metres | No (this issue is addressed above) |
| Separate commercial service requirements such as loading docks, general access | Some shared arrangements in access and basement level. However, these are not considered to be of an intensity such that will greatly interfere with the amenity of residents. The loading dock will be located at Basement Level 1 near the visitor parking but generally away from the residential parking. The loading dock will be used in association with the anticipated low intensity uses of the ground floor. Council will determine the ability of the loading dock to cater for proposed new uses at such time as when development consent is sought for the use of those premises | No |
| Clearly demarcated residential entries directly from the street | The individual ground floor tenancies have street access but also shared access to the rear by way of the shared entry foyer shared with residents. Whilst not strictly in compliance, it is not so critical to the DA that it would justify refusal or modification of the proposal. | No |
| Clearly separate and distinguish commercial and residential entries and vertical circulation. | Vertical circulation for the ground floor uses would only occur via the three lifts from basement to ground floor level. | Yes |
| Provide security access controls to all entrances into private areas, including carpark and internal courtyards | A screen wall will be provided preventing unauthorised access to the internal courtyard. A security shutter will be provided for the carpark entrance and security entry for the main foyer. | Yes |

| | | |
|---|--|-----|
| Provide safe pedestrian routes through the site | No through site link | n/a |
| Front buildings onto major streets with active uses | The specific uses will be determined at future DA stage. However, architecturally the building addresses Victoria Road satisfactorily. | Yes |
| Avoid blank walls at ground level | The building is well articulated to the Victoria Road and Sorrell Street elevations, without expansive blank walls | Yes |

While the proposal does not achieve full compliance against the controls for mixed use buildings, the proposal is considered to at least satisfy the objectives for mixed use buildings in that it:

- Encourages a variety of uses at ground floor level;
- Activates the street through building design features;
- Increases the range (and subject to future DAs, the diversity) of shopping opportunities in the area;
- Potentially enhances public safety by increasing activity in the public domain;;
- Minimises conflict between different uses within the building;
- Addresses residential amenity for future building occupants;
- Has safe and legible access; and
- Addresses the public domain and the street.

Part 2.6 Deep Soil Zones

The DCP requires mixed use development to provide at least 15% (217m²) of the site area as deep soil area. There is one main area of deep soil located at the rear of the site, adjacent to the southern and western boundaries. The minimum dimension of this area is required to be at least 6 metres in any direction. The site allows for this, providing a 217m² area of deep soil planting opportunity.

The landscaped area at ground level is suitable for the site and will improve the outlook towards this location from adjoining residential properties, as well as from the future occupants of the building.

The one detracting aspect of this quality internal courtyard is that it will receive very little sunlight other than during the periods of the year when the sun's path is on its highest axis. The space will be less appealing during the cooler months when it will receive no sunlight at all once the adjoining site to the west is redeveloped to its potential. However, it is still an important space for the development, offering visual relief for future occupants of the building and a suitable place for passive recreation. Accordingly, the applicant has chosen species of plant more tolerant to shading in cooler months and sunlight in summer, with trees such as the Japanese Maple and Fatsia (Japonica) able to thrive in such conditions, subject to appropriate mulching and protection from strong winds, the later also being suitable for indoor planting.

Part 2.7 Landscape Design

The landscaping at the rear and southern side of the site is considered satisfactory. In addition to this 217m² soft soil area, each dwelling is provided with ample balcony space. The proposal incorporates a roof terrace with BBQ facilities, chairs and tables, pergola and planter boxes. The roof terrace has an area of approximately 380m².

Part 2.8 Planting on Structures

The objectives of this control are to ensure that:

- Vegetation contributes to the quality and amenity of open space on roof tops and internal courtyards;
- Landscaping in these areas encourages the establishment and healthy growth of trees and planting;
- Potable water usage is minimised.

The extent of planting on structures will be limited as the communal courtyard will not be positioned above the basement. The proposal achieves a satisfactory outcome in this regard.

Planting on structures will be limited to a small area within the entry foyer and in association with the planter boxes at roof terrace level. Council's Landscape Officer has reviewed the information submitted with the DA and concluded that the proposed landscaping is satisfactory, subject to conditions.

Part 2.9 Sun Access to Public Spaces

There is no sun access plane relevant to any nearby park in relation to development on this site.

PART 3.0 – PEDESTRIAN AMENITY

Part 3.1 Permeability

The DCP does not require that a through-site link be required in relation to this site.

Figure 3.1 of the DCP depicts that a desired new pedestrian link from Palmer Lane to Victoria Road be created to the west of the site (closer to Church Street) and that Palmer Lane itself be retained and enhanced.

The subject site is not suitable for a through-site link as it would not provide a suitable 'desire line' between any points of accumulation (eg a transport hub, entertainment venue etc). In addition, it is considered more suitable in this location to activate the street frontages along Victoria Road and Sorrell Street both architecturally as well as through specific uses of shops, rather than creating a link between this site and the laneway to the rear.

Part 3.2 Active Street Frontages and Address

The DCP indicates that an active street frontage is required to be provided to the street. The building would offer 240m² of commercial and retail space at ground floor level, plus pedestrian entrance to the Sorrell Street frontage and to each of the tenancies along the Victoria Road frontage, thereby satisfying this requirement (as well as the relevant controls for the Church Street North Special Area outlined in Part 7 of the City Centre DCP. The ultimate use of the ground floor tenancies will be determined by future development applications.

Part 3.3 Front Fences

No front fence is proposed. The building will delineate the boundary along Victoria Road and Sorrell Street, in accordance with the DCP.

Part 3.4 Safety and Security

The development is considered acceptable from a CPTED perspective, there being few recessed areas within the front façades of the building facing Sorrell Street and Victoria Road and reasonable actual and perceived surveillance over the public domain.

Part 3.5 Awnings

The DCP requires an awning for development on the subject site along the Victoria Road frontage. This has been achieved in the amended plans, along with the deletion of the colonnade (which is not required by the DCP). An awning has been provided on the Sorrell Street frontage of the building as well as for the benefit of passing pedestrians and ground floor occupants, to match that proposed along the northern façade of the building. The development satisfies the requirements of the DCP.

Part 3.6 Vehicle Footpath Crossing

No additional crossings are proposed as a result of this development. One access point is proposed, that being off Sorrell Street. All superfluous crossings will be required to be removed.

In this regard, the proposal satisfies the requirements of the DCP, in particular to minimise crossings and to enhance the amenity and safety of pedestrians.

Part 3.8 Building Exteriors

The building comprises a painted and rendered masonry façade with glazed balustrade balconies. The development satisfies the requirements of the DCP in this regard.

Part 3.9 Advertising and Signage

No signage is proposed. This may be the subject of a further DA associated with the fitout of the ground floor tenancies at a later date if the size or type of such signage is such that development consent is required.

Part 3.10 Public Art

The transparency and quality of the entry foyer and how it relates visually with the internal courtyard indicates that the applicant has had suitable regard to providing a high quality development. This, together with the new paving, architectural treatment of the façades and new street tree planting will ensure that a suitable outcome is achieved in terms of the improvement to the quality of the public domain around the perimeter of the building.

Part 3.11 Views and View Corridors

The site is not located within the Historic Views corridor depicted in Appendix 2 of the DCP.

Part 3.12 Courtyards and Squares

This part of the DCP is not relevant to the proposal as it relates to the provision of public domain improvements in the George Street area within the Parramatta CBD.

PART 4.0 – ACCESS, PARKING AND SERVICING

Part 4.1 Pedestrian Access and Mobility

The eastern entry off Sorrell Street provides access to the premises without requiring a pedestrian to traverse any steps. Three lifts provide access to all levels of the building. The development satisfies the requirements of the DCP. Entry to the retail/commercial tenancies is also provided off Victoria Road.

Part 4.2 Vehicular Driveways and Manoeuvring Areas

The development provides level access into the carparking area, and ensures a suitable width and space for vehicles to be able enter and leave the site appropriately. Refer to Traffic Engineer's comments. Conditions of consent are also recommended in order to address ongoing compliance matters raised by the Traffic Engineer.

Part 4.3 On-site Parking

No traffic report was required to be submitted with the application due to the scale of the proposal. The development provides 70 car parking spaces and adequate space is available within the basement for motorcycle and bicycle parking. The proposal complies with the maximum number of spaces should the ground floor use be used for no more than 90m² of retail.

Accordingly, it is considered that the development satisfies the requirements of the DCP. Additional retail usage at ground floor level will require the submission of an objection pursuant to Clause 24 of the City Centre LEP at such time as a DA is lodged for such occupancy.

Part 4.4 Site Facilities and Services

Two waste storage areas are located at ground floor level, in addition to plant and mechanical services and individual unit storage. The proposal is considered satisfactory in this regard.

PART 5.0 – ENVIRONMENTAL MANAGEMENT

Part 5.1 Energy Efficiency and Conservation and Part 5.2 Integrated Water Cycle Management

Clause 22E 'Ecologically Sustainable Development' of the Parramatta City Centre LEP contains similar requirements to this section of the DCP. The proposal is designed to include taking into account minimum energy efficiency requirements as well as the requirements of the relevant planning controls. The submitted Basix Certificate outlines this in more detail and is considered satisfactory.

Part 5.2 Integrated Water Cycle Management

This part of the DCP requires that an assessment be undertaken of water saving devices and/or initiatives used in the design of new buildings.

In the case of this development, the measures to be undertaken link back to the submitted Basix commitments. Appropriate conditions are included in the recommended development consent.

Part 5.5 Waste and Recycling

A waste management plan was submitted with the application. The waste management plan addresses the requirements of the DCP.

Part 5.6 Land Contamination

The site history described in the statement of environmental effects and in Council's own records suggests that previous uses are unlikely to have resulted in soil contamination. Under Clause 7(3) of the SEPP, a preliminary investigation report is not required. The proposal does not seek to change the use of the site to one which is more sensitive than the previous use (at ground level). The site is unlikely to be contaminated and is suitable for the commercial and residential uses proposed.

Part 5.7 Soil Management

A satisfactory erosion and sediment control plan was submitted with the application. It will form part of the consent. Appropriate conditions are also included.

Part 5.8 Flood Plain Risk Management

The flood prone land map extracted from the City Centre LEP shows that the site is not flood affected.

PART 6 – RESIDENTIAL DEVELOPMENT CONTROLS

6.1 Housing Choice, Affordability and Mix

The proposal will contribute to the city providing a choice of apartment types and locations to cater for a variety of socio-economic groups.

The DCP also requires Council to consider the following:

| Control | Proposal | Compliance |
|--|--|------------|
| Ground floor residential to be accessible | No ground floor residential proposed | n/a |
| Two bedroom units not to be more than 75% of the total mix of apartments | Of the 53 units proposed, 41 will be two bedroom units. This equates to approximately 77% | No |
| Three bedroom units not to be less than 10% of the total mix | Of the 53 units proposed, 4 will be three bedroom units. This equates to approximately 7.5% | No |
| Residential apartment buildings to provide 10% of all dwellings to be adaptable. Lift access to be provided. | 5 units (9.43%). Three lifts provided | No Yes |
| Carparking for disabled persons to comply with Australian Standards | The spaces either currently comply or shall do so as a result of the recommended conditions of consent | Yes |

The proposal is generally satisfactory in terms of unit mix. The figures outlined by the DCP are preferred percentages, having regard to the cumulative impact of future development in or in proximity to the city centre.

The non-compliances listed above are numerically minor and there is no justification to either modify or refuse the development application on this basis, nor is the public interest compromised as a result of the non-compliance. In this regard, public expectation that development will comply with relevant development standards is more closely associated with building envelope controls such as height, FSR and setbacks than it is with aspects such as unit mix.

Part 6.2 Noise, Vibration and Electrolysis

The relevant matters relating to noise impacts from Victoria Road are addressed above. The future occupants will not be subjected to any known vibration or electrolysis.

The site is not located in proximity to any railway corridor.

PART 7 – CONTROLS FOR SPECIAL AREAS

The site is located in the Church Street North Special Area. An assessment against the objectives and controls relevant to the site is made above under 'Parramatta City Centre LEP 2007'.

PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

As the development application was lodged after 9 April 2008, and the value of works exceeds \$250,000 a condition requiring a 3% levy to be paid has been imposed. This will equate to a development contribution of \$413,490.

PLANNING AGREEMENTS

The proposed development is not subject to a planning agreement entered into under Section 93F, or any draft planning agreement that a developer has offered to enter into under Section 93F.

REGULATIONS

There are no specific regulations that apply to the land to which the development application relates.

LIKELY IMPACTS

Siting & Design

The proposed development achieves the planning objectives of the City Centre LEP and generally achieves compliance with the numeric controls of the City Centre DCP and Residential Flat Code. The design of the development retains principles of view sharing and complies with the height and FSR provision of the LEP.

The development is not considered to substantially impact on views or sunlight of neighbouring buildings and is considered appropriate in respect of the built and natural environment evident and likely in this part of Parramatta.

Access, Traffic and Parking

Council's Traffic Engineer has reviewed the proposal and raises no objections to the proposal in terms of traffic generation and the provision of on-site car parking, subject to appropriate conditions of consent.

Utilities/Infrastructure

Conditions will be imposed requiring the developer to consult with utility providers as to the requirements for this development.

BCA Compliance

No objections are raised to the development on building grounds. A condition of consent requires that the proposed development comply with the applicable requirements of the Building Code of Australia.

Heritage Impacts

The site is not identified as a heritage item, but is located in the vicinity of a heritage item. The site is not in a conservation area but is located in the Church Street North Special Character Area. The building's scale and design is acceptable having regard to its proximity to the Rose & Crown Hotel. This issue is addressed above.

Social & Economic Impact

The proposed development is not expected to have an adverse social or economic impact. The proposal will result in additional jobs being created at ground floor level and a residential base in close proximity to existing jobs in the area as well as close to public transport facilities.

Noise & Vibration

Noise and vibration are expected during the construction of the development. A condition of consent restricts the working hours and noise levels during construction works to protect the amenity of the surrounding area.

Soil Management

The proposed development is not expected to have an adverse impact in regard to soil erosion or sedimentation subject to standard conditions of consent.

Contamination

The site is not identified as a contaminated site. A review of Council's files and documentation provided by the applicant indicates there is no evidence to suggest that the site has previously been used for any potentially contaminating activity.

Waste Minimisation/Management

Waste generated from the development will be disposed in accordance with the submitted waste management plan.

Crime Prevention through Environmental Design

The proposal does not contribute to any increased opportunity for criminal or anti-social behaviour to occur. If constructed, the development will activate the site, the site having been vacant for several years.

Impacts During Construction

The potential for construction related impacts can be adequately monitored and controlled by way of conditions of consent as recommended.

ESD & The Cumulative Impact

The development achieves compliance with the ESD requirements of the Parramatta City Centre LEP and SEPP (BASIX).

SUITABILITY OF THE SITE

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

SUBMISSIONS & PUBLIC INTEREST

Two submissions were received in response to the notification of the application. The issues raised within these submissions have been discussed within this report.

The conclusions of this report are that the issues raised in the objections do not warrant refusal or further modification of the development application and that granting consent to the DA is not contrary to the public interest.

Conclusion

The proposal is consistent with the objectives, standards and guidelines of the relevant planning controls. Where the development departed from the planning controls, relevant amendments have been undertaken to address the non-compliances.

The remaining non-compliances, including those that have resulted from amendments made to the submission, are not considered to be critical to the development proceeding and do not warrant further modification of the DA nor its refusal.

The proposal achieves a high quality presentation to a prominent street corner in comparison to the existing situation and has suitable regard to the heritage integrity of the nearby Rose & Crown Hotel, resulting in appropriately resolved architectural form which does not result in unreasonable impacts upon the character of the area.

The proposal has demonstrated a satisfactory response to the constraints and context of the site.

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

Recommendation

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979, that the Joint Regional Planning Panel as the consent authority grant development consent to Development Application No. 184/2010 for demolition and the construction of an eight storey mixed use development containing 53 residential apartments and 470m² of retail and commercial floor space over three levels of basement carparking accessed from Sorrell Street at 7-9 Victoria Road and 21 Sorrel Street for a period of five years from the date on the Notice of Determination subject to the following conditions:

1. The development is to be carried out in accordance with the following plans and documentation listed below and endorsed with Council's stamp, except where amended by other conditions of this consent:

| Drawing N ^o | Dated |
|---|---------------------------------|
| DA01A drawn by Architex | 10 th February, 2010 |
| DA02A drawn by Architex | 10 th February, 2010 |
| DA03A drawn by Architex | 10 th February, 2010 |
| DA04A drawn by Architex | 10 th February, 2010 |
| DA05C drawn by Architex | 28 th May, 2010 |
| DA06C drawn by Architex | 28 th May, 2010 |
| DA07C drawn by Architex | 28 th May, 2010 |
| DA08C drawn by Architex | 28 th May, 2010 |
| DA09C drawn by Architex | 28 th May, 2010 |
| DA10C drawn by Architex | 28 th May, 2010 |
| DA11C drawn by Architex | 28 th May, 2010 |
| DA12C drawn by Architex | 28 th May, 2010 |
| DA13C drawn by Architex | 28 th May, 2010 |
| DA14C drawn by Architex | 28 th May, 2010 |
| DA15C drawn by Architex | 28 th May, 2010 |
| DA16C drawn by Architex | 28 th May, 2010 |
| DA17A drawn by Architex | 10 th February, 2010 |
| DA18A drawn by Architex | 10 th February, 2010 |
| DA19A drawn by Architex | 10 th February, 2010 |
| DA20C drawn by Architex | 28 th May, 2010 |
| Schedule of finishes drawn by Architex | undated |
| Stormwater Plan SW10007-S1 drawn by ALW Design | 12 th February, 2010 |
| Landscape Plan L-01/2 drawn by RFA Landscape Architects | 17 th February, 2010 |
| Landscape Plan L-02/2 drawn by RFA Landscape Architects | 17 th February, 2010 |

| Document(s) | Dated |
|--|----------------|
| Acoustic Report prepared by BGMA Pty Ltd | February, 2010 |

| Document(s) | Dated |
|--|-----------------------------|
| Basix Certificate 290810M_02 | 21 st July, 2010 |
| Heritage Impact Assessment prepared by Weirs Philips | February 2010 |

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.

Roads and Traffic Authority of NSW

2. The redundant driveway on Victoria Road shall be removed, with kerb & gutter reinstated to the RTA's requirements. Details of further requirements can be obtained from the RTA's Project Services Manager, Traffic Projects Section, Parramatta (ph 02 8849 2144). A certified copy of the design plans shall be submitted to the RTA for consideration and approval prior to the release of any construction certificate(s) for the proposed development by Council or commencement of any works.

The RTA fees for administration, plan checking, civil works inspections and project management shall be paid by the developer prior to the commencement of any works.

3. The developer shall submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment (prior to the approval of any construction certificate). The developer shall meet the full cost of the assessment by the RTA.

The report will need to address the following key issues:

- (a) The impact of excavation/rock anchors on the stability of Victoria Road and detailing how the carriageway would be monitored for settlement.
 - (b) The impact of the excavation on the structural stability of Victoria Road.
 - (c) Any other issues that may need to be addressed (Contact: Geotechnical Engineer Stanley Yuen on 02 8837 0246 or Graham Yip 02 8837 0245 for details)
4. All costs associated with the proposed development shall be at no cost to the RTA.
 5. Should there be any change to the RTA's drainage system, detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.

Details shall be forwarded to:

*The Sydney Asset Management
Roads and Traffic Authority
PO Box 973
Parramatta CBD NSW 2124*

A plan checking fee will be payable and a performance bond may be required before the RTA's approval is issued. With regard to the Civil Works requirement, please contact the RTA's Project Engineer, External Works on 02 8849 2114 or fax 02 8849 2766.

6. The proposed development shall ensure that road noise from Victoria Road is mitigated by durable materials and comply with the requirements of Clause 102 (Impact of Road Noise or Vibration on Non-Road Development) of State Environmental Planning Policy (Infrastructure) 2007.
7. All vehicles shall enter and exit the site in a forward direction.
8. The layout of the proposed carparking areas and loading areas associated with the subject development (including grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking and loading bay dimensions) shall be in accordance with AS 2890.1 – 2004 and AS 2890.2 – 2002 (for heavy vehicles)
9. A truck management plan shall be submitted to Council's satisfaction prior to the release of the construction certificate to resolve heavy vehicles issues such as another truck arriving when the loading bay is full.
10. All demolition and construction vehicles and activities shall be contained wholly within the site as a work zone permit will not be approved on Victoria Road.
11. A road occupancy licence shall be obtained from the RTA for any works that may impact on traffic flows on Victoria Road during construction activities.
12. A demolition and construction management plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control shall be submitted to Council for approval prior to the issue of a construction certificate.

General Planning

13. Prior to the release of the Construction Certificate design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy 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

14. Full details of the elements to be provided in the 'sculpture garden area' are to be submitted for the approval of Council's Project Officer - Parramatta Stories, prior to the release of the construction certificate.

15. An Archival Recording of the existing shop at No. 7 Victoria Road, Parramatta shall be undertaken in accordance with the NSW Heritage Office's publication 'How to Prepare Archival Records of Heritage Items' 1998. This recording is to be submitted to Council prior to the building being demolished.

Reason: To ensure that a photographic record of the building is retained.

16. The development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Reason: To ensure no injury is caused to persons.

17. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.

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

18. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.

Reason: To ensure compliance with legislative requirements.

19. Demolition work shall be carried out in accordance with Australian Standard 2601-2001 - *Demolition of Structures* and the requirements of the NSW WorkCover Authority.

Reason: To ensure appropriate demolition practices occur.

20. Demolition work shall be carried out in accordance with Australian Standard 2601-2001 - *Demolition of Structures* and the requirements of the NSW WorkCover Authority.

Reason: To ensure appropriate demolition practices occur.

21. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties.

Reason: To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

22. Trees to be retained are:

| Tree No | Name | Common Name | Location | DBH Diameter at | Tree Protecti |
|---------|------|-------------|----------|--------------------|------------------|
|---------|------|-------------|----------|--------------------|------------------|

| | | | | | |
|--|---------------------------------------|-----------|-----------------------------|-----------------------|----------------|
| | | | | breast height (mm) | on Zone (m) |
| | <i>Lophoste mon confertus</i> | Brush Box | Sorrell Street road reserve | 400 | 4 |

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

23. All trees planted within the site must have an adequate root volume to physically and biologically support the tree. No tree within the site is to be staked or supported at the time of planting.

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

24. All footings and walls adjacent to a boundary must be set out by a registered surveyor. Prior to commencement of any brickwork or wall construction a surveyor's certificate must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

Reason: To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

25. Seventy off-street parking spaces (including 5 adaptable spaces, 8 visitor spaces, 2 disabled spaces & 7 spaces for retail/commercial component) to be provided, permanently marked on the pavement of the basements and used accordingly. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls & 6.2m aisle width minimum). The disabled parking space dimensions and configuration shall comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each).

26. Sixteen bicycle spaces, 6 motorcycle spaces and a loading bay to be provided within the basement, used and marked as such accordingly.

27. A combined entry & exit driveway (6.1m wide with 300mm clearance both sides between kerbs) as shown on the plan, to be provided and constructed according to AS 2890.1- 2004 and Council's specification.

28. Driveway and ramp gradients shall comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.

29. The driveway width at the concrete layback shall comply with Council's Standard Heavy Duty Vehicular Crossing plan (DS9).

30. Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.

31. Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 must be used to check that adequate ground clearance is provided on ramps, circulation roadways, access driveways or other vehicular paths where there

is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter.

32. Sight distance to pedestrians exiting the property shall be provided by clear lines of sight in a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1. The required sight lines to pedestrians or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.
33. The minimum available headroom clearance is to be signposted at all entrances and clearance is to be a minimum of 2.2m (for cars and light vans including all travel paths to and from 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.
34. A convex mirror 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.
35. Footpath or road construction and/or restoration during construction of the development shall require a Road Occupancy Permit from Council. The applicant shall submit an application for a Road Occupancy Permit through Council's Traffic & Transport Services and a Road Opening Permit through Council's Restoration Engineer, prior to carrying out the construction/restoration works.
36. All roof water and surface water is to be connected to an approved drainage system.
Reason: To ensure satisfactory stormwater disposal.
37. 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.
38. Operable external windows are to be provided to the kitchen of Units 32, 35 and 38.
Reason: To improve internal amenity for those areas.
39. An application shall be made for an excavation permit, issued under Section 140 of the NSW Heritage Act, 1977 as the development has the potential to disturb moderately significant relics associated with occupation of the site.
40. The Heritage Impact Assessment submitted with this DA shall be submitted with an archaeological research design to the NSW Heritage Council in support of the permit application.

41. Archaeological monitoring of the removal of the existing slab shall be undertaken at the site. In addition, archaeological direction of excavation of the upper 300mm of deposits below slab shall be undertaken to (i) determine whether or not relics indicated on the site exist and (ii) to allow assessment of their integrity and significance. Review of the results of this archaeological monitoring shall be used to determine the need for any further archaeological work prior to the resumption of bulk excavation. Project management shall make provision for integration of this archaeological work within the development's critic path.

Prior to the issue of a construction certificate

42. An amended drainage plan shall be prepared addressing the following:
- (a) The stormwater disposal pipe from the site shall be connected to Council's stormwater pipe in the road, by constructing a new standard grated kerb inlet pit and a 375mm diameter pipe approximately 22m long connected to Council's existing stormwater pit in Sorrell Street.
 - (b) The stormwater disposal pipe from the control discharge pit shall connect to a boundary (junction) pit within the site which will be located in (or proximity of) the indicated 'bin standing area' where the site discharge pipe runs across the footpath reserve to connect into the new standard grated kerb inlet pit, at an angle 45 degree maximum.
 - (c) The construction of the new 375mm pipe and new kerb grated inlet pit in Sorrell Road shall be to Council's standards and requirements and shall be shown on an amended stormwater plan prepared by a practicing drainage engineer prior to the release of the Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

43. A minimum of five (5) working days prior to any demolition work commencing a written notice is to be given to Parramatta City Council and all adjoining occupants. Such written notice is to include the date when demolition will be commenced and details of the principal contractors name, address, business hours contact telephone number, Council's after hours contact number and the appropriate NSW WorkCover Authority licence.

Reason: To protect the amenity of the area.

44. In order to make satisfactory arrangements for the operation of the stormwater pump-out system, the system shall be designed and constructed to ensure the following are provided:

- (a) A holding tank capable of storing the run-off from a 100 year ARI - 2 hour duration storm event allowing for pump failure.
- (b) Two pump system (on alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
 - a) The permissible site discharge (PSD) rate; or
 - b) The rate of inflow for the one hour, 5 year ARI storm event.

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

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

Reason: To ensure satisfactory storm water disposal.

45. No work shall start on the storm water system until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:

- 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 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 shall 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
 - The design achieves a Site Storage Requirement of 470m³/ha and a Permissible Site Discharge of 80 L/s/ha (as per 3rd edition of UPRCT's handbook)
 - When using the Extended/Flood detention method (4th edition of UPRCT's handbook), the Site Reference Discharge (Lower Storage), SRD_L of **40** l/s/ha, Site Storage Requirement (Lower Storage) SSR_L of **300** m³/ha and Site Reference Discharge (Upper Storage), SRD_U of **150** l/s/ha, Site Storage Requirement (Total) SSR_T of 455 m³/ha as per the submitted OSD calculation.
 - 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.

46. Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately qualified civil engineer (at least NPER) to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's "Guidelines for Public Domain Works".

The engineer shall:

- a. provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
 - all relevant statutory requirements,
 - all relevant conditions of development consent
 - construction requirements detailed in the above Specification, and
 - the requirements of all legislation relating to environmental protection,
- b. On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
- c. Certify that the Works as Executed plans are true and correct record of what has been built

47. Prior to the issue of a Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The civil/traffic engineer shall provide specific written certification on the plans that:

- a. Vehicular access can be obtained using grades of 25% (1 in 4) maximum and
- b. All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – "Off-street car parking" to prevent the scraping of the underside of the vehicles.

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

48. Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately qualified civil engineer (at least NPER) to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's "Guidelines for Public Domain Works".

The engineer shall:

- a. provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
 - a. all relevant statutory requirements,
 - b. all relevant conditions of development consent
 - c. construction requirements detailed in the above Specification, and
 - d. the requirements of all legislation relating to environmental protection,

- b. On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
- c. Certify that the Works as Executed plans are true and correct record of what has been built

49. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of the Construction Certificate.

Reason: To minimise costs to Council.

50. Electricity provision to the site is to be designed so that it can be connected underground when the street supply is relocated underground. Certification from Integral Energy addressing their requirements for this provision is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

Reason: To enable future upgrading of electricity services.

51. Prior to the issue of a Construction Certificate, the applicant must submit a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

- (a) Construction Management Plan for the Site

A plan view of the entire site and frontage roadways indicating:

- i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- iii. The locations of proposed Work Zones in the egress frontage roadways,
- iv. Location of any proposed crane standing areas,
- v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.

- (b) Traffic Control Plan(s) for the site:

- i. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA)

- publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
- ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.

A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.

Where applicable, the plan must address the following:

- Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
- Minimising construction related traffic movements during school peak periods,

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

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

52. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose prepared by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, shall be submitted with the Construction Certificate. A copy of this documentation must be provided to the Council for record purposes. Any recommendations made by the qualified practising structural engineer shall be complied with.

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

53. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing No. [DS9 & DS10]. Details shall be submitted to the satisfaction of Principal Certifying Authority with the application for the Construction Certificate. A Vehicle Crossing application shall be submitted to Council together with the appropriate fee prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

54. Prior to the issue of a Construction Certificate, an application is required for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment which must be obtained from Parramatta City Council. All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

In order to apply for a driveway crossing, you are required to complete the relevant application form with supporting plans, levels and specifications and pay the appropriate fee of \$166.30

Note: 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.

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

55. If an excavation associated with the erection or demolition of a building extend below the level of the base of the footings of a building on an adjoining allotment of land; the person causing the excavation to be made; must preserve and protect the building from damage; and if necessary, must underpin and support the building in an approved manner. At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished and submit to the Principal Certifying Authority details of the date and manner by which the adjoining owner(s) were advised.

Reason: To control excavation procedures.

56. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

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

57. Car-parking spaces for disabled persons shall be provided as part of the total car-parking requirements. Consideration must be given to the means of access from the car-parking spaces to adjacent buildings, to other areas within the building and to footpath and roads and shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed in accordance with Australian Standard AS2890.1 to achieve compliance with the Disability Discrimination Act 1995, and the relevant provisions of AS1428.1 and AS1428.4.

- Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.
58. Should a proposed Vehicular Crossing be located where it is likely to disturb or impact upon a utility installation (eg power pole, Telstra pit etc) written confirmation from the affected utility provider (eg. Integral Energy / Telstra) that they have agreed to the proposed impacts shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate.
Reason: To ensure the appropriate location of vehicular crossings.
59. In order to maximise visibility in the basement carpark, the ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.
Reason: To protect public safety.
60. The applicant/proponent is to furnish Council with copies of quotations from private contractors obtained, including the include number and size of bins and frequency of collections for both general and recycling in order to ensure the proper disposal of waste from the site and to ensure that the proposed waste storage areas are of sufficient size to service the development.
Reason: To ensure that the waste storage areas are of sufficient size.
61. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street.
Reason: To ensure the quality built form of the development.
62. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the building is acoustically designed and constructed to meet the requirements of AS 2107 and the Environment Protection Authority's Guidelines for Acoustic Privacy within premises.
Note: Plans and specifications of the required acoustic design shall be prepared by a practising acoustic engineer and shall be submitted to the Principal Certifying Authority.
Reason: To minimise the impact of noise from the adjoining major road or rail corridor on the occupants of the development.
63. Documentary evidence confirming that satisfactory arrangements have been made with Integral Energy for the provision of electricity supplies to the developments is to be provided to the Principal certifying authority, prior to the issuing of any Construction certificates.
Reason: To ensure adequate electricity supply to the development.
64. The bathroom and toilet windows for each dwelling in the development shall have frosted or opaque glass. This requirement is to be indicated on amended plans and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.
Reason: To ensure privacy to these rooms is adequately maintained.

65. A monetary contribution comprising **\$413,490** is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta City Centre Civic Improvement Plan*. Payment must be by cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a **construction certificate**.
- At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.
66. Prior to the issue of a construction certificate a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic waste from the site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.
Reason: To provide for the appropriate collection/ recycling of waste from the proposal whilst minimising the impact of the development upon adjoining residents.
67. 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.
68. All outdoor lighting shall comply with, where relevant, AS/NZS 158.3: 1999 Pedestrian Area (Category P) Lighting and AS4282: 1997 Control of the Obtrusive Effects of Outdoor Lighting. Details demonstrating compliance with these requirements are to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of a Construction Certificate.
Reason: To provide high quality external lighting for security without adverse affects on public amenity from excessive illumination levels.
69. Prior to the release of the Construction Certificate design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy 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
70. An *Environmental Enforcement Service Charge* is to be paid to Council prior to the issue of a construction certificate. The fee paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

71. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of a construction certificate. The fee to be paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

72. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Principal 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.

73. The Construction Certificate is not to be released unless the Principle Certifying Authority is satisfied that 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.

Prior to the commencement of works

74. Prior to commencement of works above ground, a detailed Landscape and Public Domain Plan shall be submitted to and approved by Council. The plan shall clearly indicate site levels, elevations and sections (where necessary) as well as explanation of all materials, paving types etc and to include:

- Location of the building and other building elements on the site;

- Materials and finishes of all paved areas/hard surfaces/footpaths around the perimeter of the building;
- Details of seating and lighting;
- Location, numbers and type of plant species;
- Details of planting procedure and maintenance;
- Details of drainage and watering systems; and
- Any artwork, and appropriate treatment of fire stairs and exhaust vents protruding above ground level.

75. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site are to be maintained in a safe and tidy manner. In this regards the following is to be undertaken:

- I. all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- II. all site boundaries are to be secured and maintained to prevent unauthorised access to the site
- III. all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis
- IV. the site is to be maintained clear of weeds
- V. all grassed areas are to be mown on a monthly basis

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

76. The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on site.

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

77. 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 full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation face to twice the excavation depth.

The report should include a photographic survey of 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 as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports for adjoining structures are required, certification to this effect shall be

provided for approval by the Principal Certifying Authority prior to any excavation. A copy of the dilapidation report shall be submitted to Council.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required 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.

78. Prior to the commencement of any excavation works on site the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- i. The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- ii. The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- iii. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
- iv. The existing groundwater levels in relation to the basement structure, where influenced.
- v. The drawdown effects on adjacent properties (including road reserve), if any, 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 the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- vi. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as 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 at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with previous 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 property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall 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.

79. Details of the proposed 375 mm diameter reinforced concrete pipe-work within **Sorrell Street** shall be submitted for Council's City Works Unit approval prior to commencement of any work.

Reason: To ensure Council requirements are met.

80. The proposed kerb inlet pit in Sorrell Street shall be constructed in accordance with Council Standard Plan No. DS21.

Reason: To ensure appropriate drainage.

81. 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 on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer

Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:
Eg. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, 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 that 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. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space 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 construction zone, 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.

Reason: Proper management of public land.

82. Disused vehicular crossings shall be removed and the kerb reconstructed in accordance with Council's Standard Plan No SD004. Proof of completion of the work shall be submitted to Council prior to the issue of the Occupation Certificate. A Vehicle Crossing/Work Road Opening Permit application shall be submitted to Council together with the appropriate fee prior to any work commencing.

Reason: To provide and maintain drainage.

83. All redundant lay-backs and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate. All costs shall be borne by the applicant, and works shall be completed prior to the issue of an Occupation Certificate.

Reason: To provide satisfactory drainage.

84. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) Must preserve and protect the building from damage;
- (b) If necessary, must underpin and support the adjoining building in an approved manner; and

- (c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage.

85. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:

- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
- The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
- As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses volume table).
- OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- Approved verses installed Drainage Design (OSD) Calculation Sheet.
- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

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

86. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report, and

- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

A copy of this report is to be forwarded to Council.

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

87. To preserve the following tree, no work shall commence until the trunks are protected by the placement of 2.0 metres lengths of 50x100mm timbers spaced at 150mm centres and secured by 2mm wire at 300mm wide spacing over suitable protective padding material. The trunk protection shall be maintained intact until the completion of all work on site.

Any damage to the tree shall be treated immediately by an experienced AQF Level 3 arborist, a report detailing the works carried out shall be submitted to the Principal Certifying Authority:

| Species | Location |
|--|----------------------------|
| <i>Lophostemon confertus</i> (Brush Box) | Sorrel Street road reserve |

Reason: To protect existing trees during the construction phase.

88. The consent from Council is to be obtained prior to any pruning works being undertaken on any tree, including tree/s located in adjoining properties. Pruning works that are to be undertaken must be carried out by a 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.

89. No service, structure, conduit or the like shall be fixed or, attached to any tree.

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

90. The Certifying Authority shall arrange for a qualified Landscape Architect/Designer to inspect the completed landscape works to certify adherence to the DA conditions and Construction Certificate drawings. All landscape works are to be fully completed prior to the issue of an Occupation Certificate.

Reason: To ensure restoration of environmental amenity.

91. The applicant shall design and construct public domain works in accordance with the details and specifications indicated on Council's Design Standards including DS1 Kerbs and Laybacks, DS2 Roofwater Outlet, DS39 CBD Major and Secondary Street Tree Design, DS40 CBD Major Street Paving Design.

92. Landscaping:

- Gravel mulch Type 1 shall be replaced with 20mm Nepean river pebble
- Gravel Mulch Type 2 shall be replaced with Soft leaf Buffalo turf

Reason: To ensure restoration of environmental amenity.

93. A minimum of five (5) working days prior to any demolition work commencing a written notice is to be given to Parramatta City Council and all adjoining occupants. Such written notice is to include the date when demolition will be commenced and details of the principal contractors name, address, business hours contact telephone number, Council's after hours contact number and the appropriate NSW WorkCover Authority licence.

Reason: To protect the amenity of the area.

94. A Hoarding Application together with the appropriate fee and details is to be submitted to and approved by Council for the enclosure of public space as required by Council's Hoarding Policy.

The hoarding is required to protect persons from construction or demolition works and no works can commence until approval for the hoarding has been obtained. Hoardings in the City Centre Local Environmental Plan area must also address the "Parramatta First - Marketing the City Brand". Details on policy compliance and brand marketing can be obtained by contacting Council's Construction Services on 02 9806 5602.

Reason: To improve the visual impact of the hoarding structure and to provide safety adjacent to work sites.

95. 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 received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having 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 prevent any damage to underground utility services.

96. The approved plans must be submitted to a Sydney Water Quick Check agent or 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. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to works commencing on site.

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

During construction or works

97. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices must be maintained throughout the entire demolition, excavation and construction phases of the development.

Reason: To ensure soil and water management controls are in place be site works commence

98. The vehicular entry/exits to the site within Council's road reserve must prevent sediment from being tracked out from the development site. This area must be laid with a non-slip, hard-surface material which will not wash into the street drainage system or watercourse. The access point is to remain free of any sediment build-up at all times.
Reason: To ensure soil and water management controls are in place before site works commence.
99. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.
Reason: To protect public safety.
100. Car parking and driveways shall be constructed, marked and signposted in accordance with AS2890.1 –2004 prior to the occupation of the premises.
Reason: To ensure appropriate car parking.
101. Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.
Reason: To ensure pedestrian safety.
102. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:
- (a) Must preserve and protect the building from damage;
 - (b) If necessary, must underpin and support the adjoining building in an approved manner; and
 - (c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage.

103. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.

Reason: To ensure compliance with this consent.

104. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment and Conservation's Environmental Noise Manual and the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

105. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.

Reason: To protect the amenity of the area.

106. No building materials skip bins, concrete pumps, cranes, machinery, signs or vehicles used in or resulting from the construction, excavation or demolition relating to the development shall be stored or placed on Council's footpath, nature strip or roadway.

Reason: To ensure pedestrian access.

107. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.

Reason: To ensure public safety and amenity on public land.

108. All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring tools 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.

Note – Council may allow extended work hours for properties located on land affected by Parramatta City Centre LEP 2007 in limited circumstances and upon written application and approval being given by Parramatta City Council at least 30 days in advance.

Such circumstances where extended hours may be permitted include:

- Delivery of cranes required to the site outside of normal business hours;
- Site is not located in close proximity to residential use or sensitive land uses;
- Internal fit out work.

Reason: To protect the amenity of the area.

109. The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall 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 shall be made available to Council and/ or the principal certifying authority upon request.

110. Noise emissions and vibration must be minimised and work is to be carried out in accordance with Department of Environment and Conservation guidelines for noise emissions from construction/demolition and earth works which are to comply with the provisions of the Protection of the Environment Operations Act 1997.

Reason: To ensure residential amenity is maintained in the immediate vicinity.

111. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

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

112. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate 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 is appointed within 7 days; and
- (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

The PCA must determine when inspections and compliance certificates are required.

Reason: To comply with legislative requirements.

113. Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any works being carried out.

Reason: To ensure adequate toilet facilities are provided.

114. The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority and be located wholly within the development site prior to commencement of any works on site.

Reason: To ensure public safety.

115. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) Stating that unauthorised entry to the work site is prohibited;
- (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be contacted at any time for business purposes and outside working hours; and
- (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (d) Showing the approved construction hours in accordance with this development consent.
- (e) Any such sign must be maintained while the excavation building work or demolition work is being carried out, but must be removed when the work has been completed.
- (f) This condition does not apply to building works being carried out inside an existing building.

Reason: Statutory requirement.

Prior to the release of an occupation certificate

116. The applicant shall construct public domain works to the written satisfaction of Council prior to issue of an Occupation Certificate.

117. Prior to issue of the Occupation Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner 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 the Council's draft terms of Section 88B instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch or a works as executed plan, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of an Occupation Certificate.

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

118. Prior to the commencement of works, detailed drawing plans for the cul-de-sac and the road reserve in Palmer Lane shall be prepared by a competent civil engineer to Council's standards and requirements then submitted to the Service Manager of Civil Infrastructure in Council, for design checking and approval prior to construction and subject to Council's satisfaction. The cul-de-sac road section shall be dedicated in benefit of Council to be part of Palmer Lane road reserve prior to the release of Occupation Certificate.

119. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to “Your Business” section of our website at www.sydneywater.com.au then the “e-developer” icon or telephone 13 20 92.

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to occupation of the development.

120. Occupation or use, either in part of full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

Where Council is not the Principal Certifying Authority, a copy of the Occupation Certificate together with registration fee must be provided to Council.

121. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority that is responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The record must include details of:

- (a) the development application and Construction Certificate number;
- (b) the address of the property at which the inspection was carried out;
- (c) the type of inspection;
- (e) the date on which it was carried out;
- (f) the name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (g) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

122. The measures required by the acoustic report(s) [reference BGMA 100128A dated February 2010 and prepared by BGMA Pty Ltd](#) submitted with the development application (and Construction Certificate if applicable) shall be implemented prior to issue of any Occupation Certificate.

Reason: To minimise the impact of noise.

123. Prior to the issue of an Occupation Certificate the developer shall provide Council with a schedule of individual unit/street numbers allocated to the units within each block of units, that are otherwise to be in accordance with the street numbering approval letter issued by Council.

Reason: To ensure developments are appropriately numbered.

124. A street number is to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.

Reason: To ensure a visible house number is provided.

125. 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. [290810M_02](#), will be complied with prior to occupation.
Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.
126. The developer shall submit to the Principal Certifying Authority a letter from the telecommunications company confirming that satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the release of the Subdivision Certificate or issuing of any Occupation Certificate.
Reason: To ensure provision of appropriately located telecommunication facilities
127. Submission of a letter confirming satisfactory arrangements have been made for the provision of Integral Energy services.
Reason: To ensure appropriate electricity services are provided.
128. The submission of a letter from the telecommunications provider authorised under the Telecommunications Act 1997 confirming arrangements have been made for the provision of telephone services.
Reason: To ensure appropriate telephone services are provided.

Use of the site

129. The specific commercial/retail uses or occupation of the ground floor of the building shall be the subject of further development approvals for such use or occupations.
Reason: To ensure development consent is obtained prior to that use commencing.
130. 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
131. That the extent of retail at ground floor level be limited to 90m².
Reason: To ensure compliance with the maximum carparking rate.
132. A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.
Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors.
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Report prepared by:

***Alan Middlemiss
Senior Development Assessment Officer
Development Assessment Team***

Date: **31st August, 2010**