

JRPP No:	2010SYW023
DA No:	295/2010
PROPOSED DEVELOPMENT:	Demolition of buildings and construction of a 19 storey mixed use development containing 220 residential units and ground floor commercial floor space over 3 levels of basement carparking with strata subdivision. The consent authority for this DA is the Joint Regional Planning Panel.
PROPERTY:	36 - 46 Cowper Street, (Cnr Parkes Street) PARRAMATTA (Lots 2 and 4 in DP 262104 and Lot 101 in DP 793974)
APPLICANT:	Sonenco Group Pty Limited and Jamaj Investments Pty Limited
OWNER:	Mr L M Whittaker and Mr D L Whittaker and Mr G C Whittaker and Sonenco Group Pty Limited and Jamaj Investments Pty Limited and Sonenco Apartments Pty Limited
REPORT BY:	Alan Middlemiss

Assessment Report and Recommendation

Submissions received:	Six objections received
Issues:	Flooding; proximity to rail corridor
Recommendation:	Consent, subject to conditions

Legislative requirements

Zoning:	B4 Mixed Use
Permissible under:	Parramatta City Centre LEP 2007
Relevant legislation/policies:	Parramatta City Centre DCP 2007; Water Management Act 2000; SEPP (Basix) 2004; SEPP 65 (Design of Residential Flat Buildings); SEPP 55 (Remediation of Land); SEPP (Infrastructure) 2007 (Traffic Generating Development – Carparking for in excess of 200 cars on a site and Excavation adjacent to a railway corridor)

Variations:	CI 21 Height & CI 22 FSR – Architectural Design Competition has resulted in a 10% variation to these development standards pursuant to CI 22B(6) of Parramatta City Centre LEP 2007; CI 22C Carparking
Integrated development:	No (but requires Railcorp concurrence pursuant to CI 86 of SEPP (Infrastructure) 2007)
Crown development:	No

The site



The site

Site Area:	2,701.6m ²
Easements/rights of way:	No
Heritage item:	No
In the vicinity of a heritage item:	Yes (the nearest item is Parramatta Station - to the north of the site)
Heritage conservation area:	No (but located in the Jubilee Park Special Area)
Site History:	Nothing of relevance to this DA

20th November, 2009

Design Jury 1st sitting

11th December, 2009

2nd sitting

DA history

15th April, 2010

DA lodged with Council

20th April, 2010

Letter to applicant requesting further information

28th April – 19th May, 2010

Notification of DA. Six objections received

5th May, 2010

Design Review Panel meeting.

6th May, 2010

Initial Railcorp comments received

14th May, 2010

Sydney Regional Development Advisory Committee response received (RTA)

24th May, 2010

Applicant advised of referral comments to date, including:

Railcorp:

Railcorp has requested the following information:

1. geotechnical and structural report that meets the requirements of Railcorp's brief (referred to the applicant).
2. construction methodology with details pertaining to structural support during excavation.
3. track monitoring requirements during excavation and construction phases.
4. cross sectional drawings should show ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the rail corridor.
5. rail safety plan including instrumentation and monitoring regime to be submitted for review.

SRDAC (RTA):

The Committee's most significant recommendation is that all pedestrian access to the building should be from the north-eastern part of the site off Parkes Street, in order to ensure that pedestrians are encouraged to use the traffic signals on the eastern side of the railway underpass and that Parkes Street is not crossed by pedestrians immediately opposite the site.

27th May, 2010

Council officers met with the applicant and owner of the site to discuss the outstanding information requested by Council on 20th April, 2010. Initial contact with Railcorp had

	not been made. Council officers stressed the importance of this consultation and reminded the applicant of the need to ascertain the exact location of the adjoining stormwater channel.
15 th June, 2010	Applicant requested to advise Council regarding timing of submission of information previously requested on 20 th April and 24 th May, 2010.
26 th June, 2010	Response to Council's request. Some additional information provided.
5 th July, 2010	Public Domain Concept Plan submitted.
22 nd July, 2010	Catchment Management comments received and sent to applicant following day.
22 nd July, 2010	Railcorp requests stop-the-clock provisions pending further information required, namely: Plan and cross-sectional drawings showing ground surface, legal boundary, Railcorp easements encumbering the development site, rail tracks, sub soil profile, proposed basement excavation and building/foundation relationship to the Railcorp easement and corridor/infrastructure. Certified plans showing all legal boundaries and easements.
28 th July, 2010	Additional plans submitted (referred to Railcorp)
4 th August, 2010	Railcorp concurrence issued, subject to deferred commencement consent.
12 th August, 2010	Applicant's response to Catchment Management issues.
19 th August, 2010	Flood report submitted
20 th August, 2010	Response from Council to catchment management plans and documentation submitted by applicant.

30 th August, 2010	Meeting held at Council between catchment Management and applicant's stormwater engineer
7 th September, 2010	Submission of further plans relating to catchment issues
23 rd September, 2010	Submission of architectural plans to match stormwater plans
27 th September, 2010	Revised stormwater plan
28 th September, 2010	Catchment Management units' response to latest information outlining that there are inconsistencies between the architectural plans and the stormwater plans regarding flood flow under the building, ongoing maintenance issues, slab clearance, flood response plan and the requirement to obtain the approval of Sydney Water (with particular regard to works adjacent to the Clay Cliff Creek trunk conduit)
29 th September, 2010	Meeting held at Council between Catchment Management and applicant's stormwater engineer
30 th September, 2010	Submission of further information
1 st October, 2010	Matrix table prepared outlining outstanding stormwater & flooding issues.
6 th October, 2010	Submission of complete set of plans for assessment as modified to be consistent

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is known as 36-46 Cowper Street, Parramatta and is located on the eastern side of Cowper Street, being a corner site with frontage to the north of the site to Parkes Street. The site comprises three allotments being Lot 101 in DP 793974, Lots 2 and 4 in DP 262104 with a combined site area of 2,701.6m². The surrounding development is a mix of commercial uses of buildings of varying scale. New mixed use developments have also been recently approved (with some completed or nearing completion) in proximity to the site, including the building at 2-2-20 Cowper Street shown in the photo below. The site is in close proximity to the Parramatta CBD and the Parramatta Bus/Rail Interchange and is located adjacent to the main western rail corridor.

The site is located in the Jubilee Park Special Area, with the park located to the west of the site to the rear of properties on the opposite side of Cowper Street.



- Development in the street looking south

Physical features

There are 3 commercial/light industrial buildings currently located on the development site, each of which is proposed to be demolished and none holding any particular heritage or conservation significance. A concrete encased stormwater canal runs adjacent to the site to the north, very close to the boundary. The western rail corridor embankment is located to the east of the site and forms part of the boundary. The site otherwise has no features of note, being largely devoid of any significant vegetation.

Topography

The site is relatively flat, with a slight grade down towards the north of the site and from the rear to the street. The site is partially flood liable.

THE PROPOSAL

The scheme involves demolition of structures and buildings and the construction of a 19 storey mixed uses building containing 220 dwelling units, 714m² of ground floor commercial space and basement carparking over three levels for 226 cars. The estimated value of this project is \$35.7 million.

Details of the proposal are as follows:

- Ground floor commercial and/or retail space
- 1st floor: 5 x 1 bedroom units, 9 x 2 bedroom units and 1 x 3 bedroom unit;
- 2nd floor: 5 x 1 bedroom units, 9 x 2 bedroom units and 1 x 3 bedroom unit;
- 3rd floor: 5 x 1 bedroom units, 8 x 2 bedroom units and 2 x 3 bedroom units;
- 4th floor: 5 x 1 bedroom units, 8 x 2 bedroom units and 2 x 3 bedroom units;
- 5th floor: 6 x 1 bedroom units, 9 x 2 bedroom units and 1 x 3 bedroom unit;
- 6th floor: 1 x 1 bedroom unit, 7 x 2 bedroom units and 3 x 3 bedroom units;
- 7th floor: 11 x 2 bedroom units;
- 8th floor: 11 x 2 bedroom units;
- 9th floor: 1 x 1 bedroom unit and 11 x 2 bedroom units;
- 10th floor: 1 x 1 bedroom unit, 7 x 2 bedroom units and 3 x 3 bedroom units;
- 11th floor: 11 x 2 bedroom units;
- 12th floor: 11 x 2 bedroom units;
- 13th floor: 11 x 2 bedroom units;
- 14th floor: 4 x 1 bedroom units, 7 x 2 bedroom units and 1 x 3 bedroom unit;
- 15th floor: 11 x 2 bedroom units;
- 16th floor: 11 x 2 bedroom units;
- 17th floor: 4 x 1 bedroom units, 7 x 2 bedroom units and 1 x 3 bedroom unit;
- 18th floor: 2 x 2 bedroom units and 7 x 3 bedroom units;
- Resulting in a total of 37 x 1 bedroom units, 161 x 2 bedroom units and 22 x 3 bedroom units;
- 3 x basement levels including lifts and driveways, fire stairs, bicycle and motorcycle spaces, storage areas and car washing facilities;
- Strata Subdivision.

The building will provide pedestrian access off Cowper Street via two entry points, with vehicular access being provided off a driveway to the southern end of the building. Vertical access within the building will be provided by two sets of twin elevators located to the southern and northern ends of the building.

The building will have an overall height of 59.4 metres.



- Photomontage of the proposal viewed from Parkes Street and looking south-east

The building will be constructed utilising the following materials:

- White pre-cast paint finished concrete panels, with base levels constructed from a sandstone cladding
- Green coloured glazing
- Zinc framed openings
- Aluminium louvres
- Timber screening at lower levels adjacent to Cowper Street
- Bluestone street pavers.

PERMISSIBILITY

The proposed use is defined as “mixed use” under Parramatta City Centre Plan 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 B4 Mixed Use zoning applying to the land. The proposed Strata Subdivision of the building is also permissible, subject to the consent of Council.

REFERRALS

Catchment Management

The proposal has been referred to Council’s Catchment Management Unit for review, as the site is partially flood liable.

The following comments were provided:

SUMMARY TABLE OF FLOOD AND FLOODPLAIN-RELATED ISSUES

Flood/Floodplain Issue	Reference Bewsher Consulting 2010 Memo	Applicant Response	Comment	Conclusion
No provision for flood water to <u>pass through</u> the site (through void under the building)	20/8/2010	Revised plans by HKMA including Dwg No. 6037-F-DA01 (Issue A) dated 21 September 2010	As per the BC 28 September memo the referenced HKMA plan addresses some issues but doesn’t define flood louvre/gate locations.	Additional information is required. Could be conditioned as part of CC approval that the system of perimeter flood louvres/gates is required to match void/sub-floor areas shown in HKMA plan No. 6037-F-DA01 (Issue A) dated 21 September 2010
Lack of consistency between architectural plans and HKMA re flood flow area under building	20/8/2010 & 28/9/2010	Some amendments made	As per the BC 28 September memo, some considerable 22 September 2010 architectural plan inconsistencies still exist re the system for allowing flood flows to pass under the building	Additional information is required. It is recommended that revised DA architectural building elevations and sections be submitted showing consistency with HKMA plan No. 6037-F-DA01 (Issue A) dated 21 September 2010
Provision of 500mm freeboard for ground floor level relative to 100 year flood	20/8/2010 (assessed a slight shortfall, of 60mm)	Revised architectural section and elevation plans dated	An important in-principle matter and the information contained in the	It is recommended that it be a condition of consent that the ground floor level is to be not less than

level		22 September 2010 show full 500mm freeboard being provided	revised section and elevation plans will need to also be reflected in individual floor level drawings	RL 9.94m AHD
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Details of finished levels, including drainage (& also on-going maintenance provisions) in void area under the building	20/8/2010 & 28/9/2010	Has not been addressed	Can be 'readily' addressed as part of detailed design	Additional information is required. Could be conditioned as part of CC approval
Details of design of perimeter flood louvres/gates	20/8/2010	Potential style of louvre design sketches were submitted	Can be 'readily' addressed as part of detailed design	Additional information is required. Could be conditioned as part of CC approval
Clearance of building ground floor works (being slab structure and any suspended services conduits, etc) relative to 100 year flood level (of RL 9.44m AHD)	20/8/2010, 28/9/2010 (and also the meeting held at Council on 9/9/2010)	Has not been addressed	This issue is likely to require careful attention at detailed design stage	Additional information is required. It is suggested that words similar to those proposed in BC memo of 28 September 2010 be included as a condition of consent. That is, words to the effect that "the general slab clearance shall be as large as practically achievable but the underside of structural elements, suspended services conduits, etc shall be not less than RL 9.44m AHD)"
Flood Response Plan	20/8/2010 & 28/9/2010 (and also the meetings held at Council on 30/8/2010 & 9/9/2010)	Project architect has continued to maintain that the vehicles in the basement can leave the site prior to the arrival of any flood	It is considered that the HKMA report forms a basis for a practical Flood Response Plan but note the comments made by Bewsher	Additional information is required. It is strongly recommended that the preparation of a fully detailed Flood Response Plan (specifically noting the HKMA

		peak but this does not form part of the approach taken in the HKMA Engineers' September 2010 report titled "Flood Warning, Evacuation and Management Plan".	Consulting in their memo of 28 September re (a) it is considered that earlier warning time is required and (b) issues related to the preservation/ maintenance of basement access for able bodied and disabled persons during the alarm/ warning phases of the Plan need to be detailed	September 2010 report and subsequent 28 September BC comments) be conditioned as part of CC consent.
Approval of Works by Sydney Water Corporation (with particular regard to works adjacent to its' Clay Cliff Creek trunk conduit) and appropriate Rail corridor authority	20 August & 28 September	BC has not sighted any related submissions or subsequent approvals	These approvals are seen to be essential	Could be conditioned as part of CC approval

These matters are included as conditions of 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 significant trees located within the site.

Landscape

The proposed use of landscaping throughout the development is considered innovative and well designed. The proposed landscape plans shall be incorporated as part of the stamped documentation.

1. *Trees to be removed are:*

Tree No	Name	Common Name	Location	Condition/Height	Reason
2x	<i>Syagrus romanzoffianum</i>	Cocos Palm	Parkes St Frontage	Good/5m	This tree is not considered highly significant and should not be considered a constraint on future development
1x	<i>Callistemon viminalis</i>	Weeping Bottlebrush	Parkes St Frontage	Poor/6m	This tree is not considered highly significant and should not be considered a constraint on future development

2. *All tree removals shall be carried out by a qualified Arborist and conform to the provisions of AS4373-2007, Australian standards for Pruning Amenity Trees and Tree work draft code of practice 2007.*

Reason: *To ensure works are carried out in accordance with Tree work draft Code of practice 2007.*

3. *The following trees are to be supplied in a 100L container and be a minimum height of 1.8 m at the time of planting. The distance between tree-trunks is to be 8m. All street trees are to be setback 3 m from any driveway and 12 m from any intersection and planted in accordance with Councils Design standard DS39. All trees are to be grown and planted in accordance with Natspec – Clarke .R, Specifying Trees: A guide to the assessment of tree quality, 2003.*

<i>Tree No.</i>	<i>Name</i>	<i>Location</i>	<i>Spacing</i>
3x	<i>Pyrus calleryana</i> <i>'Chanticleer'</i>	<i>Parkes Street Road Reserve</i>	<i>8m</i>
4x	<i>Pyrus calleryana</i> <i>'Chanticleer'</i>	<i>Cowper Street Road Reserve</i>	<i>8m</i>

Reason: *To ensure restoration of environmental amenity.*

4. *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.*

5. *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.*

6. *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.*
7. *The applicant shall construct public domain works to the written satisfaction of Council prior to issue of an Occupation Certificate.*

Planning comment:

I concur with the conclusions of Council's Landscape Officer

Traffic & Transport Investigations Engineer

The application has been referred to Council's Traffic & Transport Investigations Engineer for review. The following comments were provided:

Existing Development

1. *The development site is located within the area of residential, retail & commercial establishments in Cowper Street, between Marion & Parkes Streets, Parramatta.*
2. *Streets surrounding the proposed development site provide 2 hour ticketed parking restrictions. All day pay parking is also available in Council's at-grade car park in Marion Street.*

Proposed Development

3. *The proposed development is covered within Parramatta City Centre LEP 2007 and has been assessed on traffic & parking grounds according to Council's City Centre DCP 2007.*
4. *Details of the proposed development according to the SEE and Traffic and Parking Statement submitted with DA:*
 - *19 storey mixed commercial & residential development*
 - *220 residential units (comprising of 36 x 1-bedroom unit; 162 x 2-bedroom units & 22 x 3-bedroom units); commercial & retail tenancy (714m² GFA).*
 - *Provision of 226 parking spaces in 3 basement levels (bicycle & motorcycle parking spaces, amenity areas, lifts, wash bays, plant rooms and waste disposal areas provide in the basement levels)*

- *Vehicular access off Cowper Street (6.6m wide combined entry /exit driveway) on the southern most-end of the site.*
5. *It is noted that the architectural plans show 'Great Western Highway' as the adjacent street to the eastern end of the property. This is incorrect and should be corrected to be Station Street. The proposed development site is approximately 73m away from the signalised intersection of Parkes Street & Station Street. It is also noted that the architectural plan shows 'commercial' instead of 'retail'.*

Parking Requirements

5. *For the purposes of the parking calculations, the parking rate for the commercial component (714m²) of the development has been used. The parking rates for multi-dwelling houses (1, 2 or 3 bedroom units) and commercial development according to Parramatta City Centre LEP 2007 specify "1 parking space per dwelling plus 1 space per 5 dwellings for visitor parking, and "1 space per 100m² for commercial" development". Accordingly the proposed development would require:*
- *220 dwellings (1, 2 or 3 bedroom units) = 220 spaces*
 - *Visitor parking = 44 spaces*
 - *Commercial (714m²) = 7 spaces*
 - Total parking requirements = 271 spaces*

Traffic Generation

6. *With regard to the traffic generation and the performance of the intersection of Cowper Street & Parkes Street (comparison of the existing & proposed traffic volume), the Traffic & Parking Statement indicated that:*
- "The estimated potential traffic generation of the subject site can be discounted by the traffic generated by the existing 1620m² of commercial floor space. Utilising the same generation rates it is estimated that the existing developments generates approximately 32 peak hour trips. Accordingly, the proposed development has the potential to generate approximately 35 additional vehicle trips in the peak hours. Data on the traffic movements in the vicinity of the subject site have been collected as part of this assessment by surveys undertaken by Curtis Traffic Surveys on behalf of this firm from 6.30am - 9.30am and 3.30pm - 6.30pm on Wednesday 24th February 2010 at the intersection of Parkes Street, Cowper Street and Valentine Avenue, Harris Park. The weekday peak hour at the intersection in the morning and evening was found to be between 8.00am - 9.00am and 5.00pm - 6.00pm respectively. Detailed results of the survey are attached. The recorded peak hour flows in Cowper Street during these peak times are as follows:*

<i>AM Peak hour</i>	<i>PM Peak hour</i>
<i>8.00am - 9.00am</i>	<i>5.00pm - 6.00pm</i>
175	226

The results of the INTANAL analysis reveal that the existing intersection operates at a satisfactory level of service. This is due to the existing signals upstream and downstream which create gaps and platoons of traffic. It is acknowledged that some vehicles would experience greater delays than indicated, however, over the whole peak hour that is modelled the average delays per vehicle is considered to be reflective of site conditions”.

7. *The results of the INTANAL analysis as shown on the Traffic & Parking Statement (Table) is noted. However, the Traffic and Parking statement indicated a traffic generation based on a commercial & residential development while the parking requirements has been calculated based on the retail & residential development instead of a commercial & residential development for consistency. The traffic generation rates for retail development are higher than for a commercial development.*

Parking Provision and Layout

8. *The proposed development provides for 226 parking spaces in 3 basement levels including 24 accessible spaces. Note that a ‘typical’ basement plan for all levels of parking has been submitted and the dimensions of the parking bay are not shown or marked on the plan. Therefore, the parking provision is deficient by 45 spaces.*
9. *The dimensions for parking spaces and aisle width should 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 dimensions and configuration of the disabled parking spaces should be modified to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each). The accessible spaces as shown on the plan do not comply with the configuration as specified in AS 2890.6-2009.*
10. *The Traffic & Parking Statement calculates the parking requirements based on RTA Traffic Generating Developments Guide and stated that it as it exceeds the RTA requirements based on research and surveys, the parking provision on site is considered sufficient.*
11. *It is anticipated that the deficiency of the parking provision will be addressed further according to the Parramatta City Centre LEP 2007-Clause 24 Exceptions to Development Standards rather than simply stating due to compliance with the RTA guidelines.*
12. *It is noted that one of the Aims of the City Centre LEP 2007 is “to enhance access to Parramatta, particularly by public transport, walking and cycling”. It is expected therefore that as the site is within walking distance to the railway station (about 280m-300m) most of the residents and employees of the commercial offices will walk to the railway station or cycle within the city centre. Accordingly the provision of 226 parking spaces on-site is considered acceptable.*

Access Arrangement

10. *Vehicular access into & out of the development for both residential and loading/unloading area for commercial development is provided off Cowper Street via a 6.6m wide combined entry & exit driveway. The plan shows a median island along the access driveway (approx 4 - 5m from the boundary line and towards the eastern end of the property leading to the basement level parking.*

Loading/Unloading Area

11. *The Traffic & Parking Statement indicated that the maximum vehicle that can access the site from Cowper Street would be a small rigid truck (6.4m long), which is considered sufficient to cater for garbage collection and delivery requirements for the proposed development.*

Submission from RTA -SRDAC

12. *Comments from the RTA should be considered in conjunction with the final assessment of this proposed development. The RTA's recommendation as indicated in its submission dated 10 May 2010 (Trim Doc # D01536570) should be included in the DA Consent Conditions, should this DA be approved, particularly regarding the 'No Right Turn' restriction from Cowper Street into Parkes Street, pedestrian safety – relocation of pedestrian access to the proposed development for the residential units and the 'No Stopping' restriction along the Parkes Street frontage of the site.*
13. *The installation of a 'No Right Turn' restriction from Cowper Street into Parkes Street is subject to the approval of the Parramatta Traffic Committee (PTC). Prior to the PTC consideration of this restriction, a Traffic Management Plan (TMP) should be required to be submitted by the applicant for approval by the RTA and community consultation should be carried out accordingly. Upon receipt of the RTA approval for TMP, this matter should be referred to the PTC for consideration and final approval by Council.*

Conclusion

Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on Parkes Street and its surrounding road network. The proposal can be supported on traffic & parking grounds subject to various traffic related conditions as indicated below and recommendation from the RTA particularly regarding the 'No Right Turn' restriction from Cowper Street into Parkes Street, pedestrian safety – relocation of pedestrian access to the proposed development for the residential units and the 'No Stopping' restriction along the Parkes Street frontage of the site.

Recommendation

1. *Should this DA be approved, no objection is raised to the proposed development on traffic and parking grounds subject to the following traffic related conditions:*
 - a) *226 off-street parking spaces (including 24 disabled parking and 44 visitor parking spaces) to be provided, permanently marked on the pavement 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).*
 - b) *The dimensions and configuration of the disabled parking spaces as shown on the plan to be modified to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each).*
 - c) *A combined entry & exit driveway (6.6m wide with 300mm clearance both sides between kerbs) to be provided and constructed according to AS 2890.1- 2004 and Council's specification.*
 - d) *Driveway and ramp gradients shall comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.*
 - e) *The driveway width (w) at the concrete layback shall comply with Council's Standard Heavy Duty Vehicular Crossing plan (DS9).*
 - f) *All vehicles associated with development should enter and exit the site in a forward direction.*
 - g) *All vehicles should be clear of the carriageway and footpath before being required to stop.*
 - h) *The overall internal width of a single garage to be a minimum of 3.0m wide with a door opening of 2.4m wide minimum and double garages are to be 5.4m wide with a door opening of 4.8m wide minimum according to AS 2890.1-2004. Column locations are to be in accordance with AS 2890.1-2004.*
 - i) *Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.*
 - j) *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.*

- k) *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.*
 - l) *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.*
 - m) *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.*
 - n) *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.*
2. *In addition to the above traffic related conditions, the recommendation from the RTA should be included in the DA Consent Conditions, particularly as follows:*
- *A 'No Right Turn' restriction from Cowper Street into Parkes Street to be installed subject to the approval of the Parramatta Traffic Committee (PTC). Prior to the PTC consideration of this restriction, a Traffic Management Plan (TMP), to be prepared Council should be submitted to the RTA approval. Community consultation should also be carried out accordingly. Upon receipt of the RTA approval for TMP, this matter should be referred to the PTC for consideration and final approval by Council.*
 - *To encourage pedestrians to cross safely at the signalised intersection of Parkes Street & Station Street (rather than mid-block), all pedestrian accesses to the proposed development (particularly for the residential units) should be relocated to the northeast corner of the site (i.e. along the Parkes Street frontage as close as possible to the railway line). The vehicular access driveway should remain on Cowper Street.*
 - *All car parking shall be accommodated on site. To enforce this requirement, full time 'No Stopping' restrictions is recommended along the entire Parkes Street frontage. This restriction should be implemented prior to the commencement of any construction works relating to the proposed development. Prior to the installation of the parking restrictions*

the applicant is to contact the RTA's Traffic Management Services on phone: (02) 8849 2294 for a works instruction."

Planning comment:

I concur with the conclusions of Council's Traffic & Transport Investigations Engineer, other than in relation to requiring a design change to the building in order to provide entry to the building entirely on the Parkes Street frontage, for the reasons outlined in this report relating to State Environmental Planning Policy (Infrastructure) 2007 – Roads and Traffic Authority of NSW comments. The other recommendations of Council's Traffic & Transport Investigations Engineer and the RTA are incorporated in full in the recommended conditions of consent.

Design Review Panel

The application was referred to the Design Review Panel who provided the following comments following its meeting of 5th may, 2010:

"The Panel has reviewed this scheme and commends the architect for a very well resolved scheme. It is the opinion of the Panel that the design proposal adequately satisfies all the SEPP 65 requirements. The Panel also commends the applicant for commissioning a capable design architect to deliver this project, and Art Planner for developing an excellent Arts Plan. The Panel recommends that the practice be engaged to project completion to ensure the current design resolution is maintained.

This application does not need to be reviewed by the Panel again.

It is noted that the Panel did not provide commentary on the buildings non-compliance with the height and FSR controls of the CCLEP 2007. Commentary on this matter was provided by Council's Planning Officer."

Planning comment:

I concur with the conclusions of the Design Review Panel. The issues of height and FSR have been resolved with the submission of amended plans and require no further discussion.

Urban Design

The application has been referred to Council's Urban Designer. The following comments were provided:

"Background

This D.A. is the result of an architectural design competition held on 20 November 2009, with a second round held on 11 December 2009. The winning submission was granted an additional 10% of gross floor area and an additional 10% of building height for design excellence. Following the two stage competition process, these comments have been limited to how the application relates to the winning competition entry.

Site

The site is located adjacent to the (main western railway corridor), on the corner of Cowper and Parkes Street Parramatta. The site is 2701sqm in size and is currently occupied by two large commercial buildings, a restaurant and parking at-grade. The site is well serviced by public transport and is within 250m of Parramatta Interchange and 300m to Harris Park Station. The area is undergoing change with higher density mixed use/commercial development replacing older stock two and three storey buildings.

Proposal

The application is for the demolition of the existing commercial buildings on site and the construction of a 19 storey mixed use development with a commercial ground floor and 220 residential apartments above. There are 3 storeys of underground car parking with a total of 226 car spaces.

Competition Jury Comments

In announcing the winner of the design competition, the jury included the following comments regarding the scheme in their Design Competition Report (TRIM D01523511):

Further design development for DA could consider enhancing the slots between building blocks and reinforcing the 3 building forms through material selection and balustrade design. It is also important during design development to maintain a balance of both between solid and transparent balustrades, which respond to orientation, facade massing and views, as shown in the proposal.”

Building Bulk

The design jury has suggested that the ‘slots’ between building blocks could be increased to reduce the perceived bulk of the development. The application remains unchanged from the competition entry in this regards, but is considered acceptable.

Material Selection

There have been minor changes to the facades but the material palette remains similar to the competition scheme. The renderings and design report indicate a transition in materials in response to orientation, height and the commercial / residential context.

Balustrade Design

The balustrade design has been amended in response to comments from the design jury. There is a balance of solid and transparent balustrades in response to views, noise, privacy and orientation.

Commercial

The entries to the commercial floor space on the ground floor should be relocated to directly address and be accessible from the street. The corner treatment of the tenancy at the intersection of Parkes and Cowper Street should be simplified;

Lift Lobby

It is unclear from the ground floor plan if there are any doors to the apartment lift lobbies on Cowper Street. Doors should be provided close to the building line to avoid deep recessed spaces and discourage anti social behaviour.

Car Park Entry

The security gate to the car park entry appears to be set back significantly from the building line and should be relocated closer to Cowper Street to avoid creating deeply recessed spaces.

Public Domain

All redundant driveways shown on the site plan should be removed and the kerb reinstated. Pedestrian ramps are to a minimum 1200mm wide and the footpath paving treatment should be as per Council standard.

Recommendations

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

- the entries to the commercial floor space should be relocated to directly address and be accessible from the street;*
- the corner treatment of the commercial tenancy at the intersection of Parkes and Cowper Street should be simplified;*
- doors to the apartment lift lobby should be provided close to the building line;*
- the security gate to the car park entry should be relocated closer to Cowper Street.*

Planning comment:

The conclusions of the Design Review Panel are preferred in this instance, whereby no cosmetic changes to the exterior of the building are considered necessary. The proposal has been through a lengthy design process which has assessed the overall design of the building as appropriate in terms of streetscape address, activation and security. A condition is included to ensure that there are security doors provided at the building's entry adjacent to the lift lobby.

Waste

Council's Waste Officer requested confirmation that the proposed vehicle access to the building can facilitate commercial vehicle movements, including the servicing and removal of wastes with the site. This confirmation shall include written clarification from a commercial waste contractor that the designed maximum access for a small

rigid vehicle, as defined in AS2890.2-2002, will not preclude servicing of the site. The applicant should note that the number of residences and indicative waste generation preclude kerbside collection.

The applicant's traffic and parking report indicates that a 6.4 metres long rigid vehicle will be able to access the site off Cowper Street. Council's Traffic and Transport Investigations Engineer has assessed the proposal in this regard and raises no concerns with the ability of the driveway and basement head heights being capable of accommodating such vehicles.

PUBLIC CONSULTATION

In accordance with Council's Notification DCP, the proposal was advertised with owners and occupiers of surrounding properties given notice of the application for a 21 days period between 28th April and 19th May, 2010. In response, 6 submissions were received. The issues raised within those submissions are addressed below.

N. Asadi Executive Committee 8 Cowper Street, Parramatta

- Increased traffic impacts
- Increased demand for street parking
- Increased demand on the capacity of the intersection (Parkes and Cowper Streets) to be able to cope with additional traffic, particularly with no traffic lights/safety of intersection

Mrs A Chiew of 809A/8 Cowper Street, Parramatta

- The proposal should not be approved in the absence of traffic lights at the intersection of Parkes and Cowper Streets

Anita Wong of 9/12 Kendall Street, Harris Park

- Diminished air quality
- Traffic congestion
- Loss of open space
- Disruption to peace & harmony

Transport Workers Union of 31 Cowper Street, Parramatta

- Parking during construction will create congestion and increased demand for spaces
- That Cowper Street not be closed to regular traffic during construction.

Mary Ha of 202/33-35 Cowper Street, Parramatta

- Increased traffic impacts
- Similar scale to other developments in the street
- Safety issues relating to the intersection of Parkes and Cowper Streets

Mr Xiaofeng Cheng of 38/2-6 Kendall Street, Harris Park

- Traffic & safety impacts relating to the Parkes/Cowper Streets intersection
- Proximity to railway corridor – safety, especially objects that may fall from balconies, proximity to electricity lines
- Visual impact – neighbouring buildings are only 4-5 storeys
- Construction noise impacts

Amended Plans **Yes**

Summary of amendments **Yes** (see below)

Amended Plans re-advertised or re notified **No**

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

The amendments rectified areas of minor non-compliance relating to height and FSR, as well as sub-floor details concerning drainage and flood storage. As the amendments do not exacerbate any amenity issues, the DA did not require renotification.

Issues raised in the submissions:

- **Increased traffic impacts/congestion**

Planning comment:

The conclusions of both the RTA and Council's Transport and Traffic Investigations Engineer are that the proposal is satisfactory from a traffic and parking perspective, subject to conditions. The local road system is considered adequate in its ability to be able to cope with the new development as proposed.

- **Increased demand for street parking**

Planning comment:

The author of the submission relates this to the demand during the construction period rather than post construction. This is a short to medium term problem associated with most major redevelopments. It is not a valid reason to refuse the development application. Street work zones will be limited to what is determined as reasonable by Council's Traffic Committee. Otherwise, the remainder of the street will remain time-limited parking. The required traffic management plan will also require this issue to be addressed to ensure that adequate regard is made to the parking of workers vehicles and trucks during all phases of the construction period.

- **Increased demand on the capacity of the intersection (Parkes and Cowper Streets) to be able to cope with additional traffic, particularly with no traffic lights/safety of intersection**

Planning comment:

The RTA and Council's Transport & Traffic Investigations Engineer have both come to the same conclusion and recommended that the north bound traffic in Cowper Street be restricted from performing right turn manoeuvres onto Parkes Street during the morning and afternoon peak periods, subject to the approval of the local traffic committee. The intersection does present difficulties at peak times of the day. However, this cannot be given significant determinative weighting in the assessment of this proposal.

- **The proposal should not be approved in the absence of traffic lights at the intersection of Parkes and Cowper Streets**

Planning comment:

The RTA has advised that it would not support traffic lights in such close proximity to existing signalised intersections at Wentworth Street and Station Street.

- **Diminished air quality**

Planning comment:

The proposal is for a largely residential development that is unlikely to contribute significantly to any perceivable loss of air quality and is not considered sufficient to warrant refusal of the DA.

- **Loss of open space**

Planning comment:

The site currently contains 3 x commercial buildings. There is no public open space on this site. The proposed development does not diminish public open space. All units are to be provided with sufficient balcony areas.

- **Disruption to peace & harmony**

Planning comment:

The site is located within close proximity to Sydney's third largest CBD and adjacent to a major railway corridor. There is an expectation that underdeveloped sites will ultimately be capitalised upon and that relative peace and harmony may not be what it was previously. The recommended conditions of consent aim to reduce the impacts of construction activities. In terms of post-construction, the development is primarily residential and not anticipated to contribute to significant noise generation.

- **That Cowper Street not be closed to regular traffic during construction.**

Planning comment:

There is no proposal to close Cowper Street as a result of construction works associated with the development. If the proponent anticipated that such a closure would need to eventuate, further consent of Council would be required.

- **Proximity to railway corridor – safety, especially objects that may fall from balconies, proximity to electricity lines**

Planning comment:

The rear balconies of the development will be set back approximately 10 metres from the adjoining tracks. Falling items should not be an issue in this regard.

Railcorp have special requirements in terms of proximity to its overhead wiring network. Accordingly, the following condition is recommended:

“Prior to the issue of a construction certificate the applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a construction certificate.”

- **Visual impact – neighbouring buildings are only 4-5 storeys**

Planning comment:

The proposal will attain a similar height to that of the completed development at 8 Cowper Street, Parramatta to the south of the site. Despite a number of smaller scale buildings within the street, the current planning regime anticipates that the future of the street will involve development of a similar scale to that proposed and to that of No. 8 Cowper Street.

Given the relevant planning controls, the height of existing buildings in the street is not a valid reason to warrant either modification or refusal of the development application.

- **Construction noise impacts**

Planning comment:

A standard condition of consent is included to deal with this issue in terms of hours for work. This issue is not considered to warrant refusal of the development application.

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 has been accompanied with 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 (Reference 302667M and dated 11th April, 2010) have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Railcorp

The proposed development falls under works subject to the provisions of Clause 86 of State Environmental Planning Policy (Infrastructure) 2007 which requires the concurrence of Railcorp before consent can be granted by Council.

Clause 86 of the SEPP states:

86 Excavation in, above or adjacent to rail corridors

- (1) *This clause applies to development (other than development to which clause 88 applies) that involves the penetration of ground to a depth of at least 2m below ground level (existing) on land:*
 - (a) *within or above a rail corridor, or*
 - (b) *within 25m (measured horizontally) of a rail corridor. or*
 - (c) *within 25m (measured horizontally) of the ground directly above an underground rail corridor.*
- (2) *Before determining a development application for development to which this clause applies, the consent authority must:*
 - (a) *within 7 days after the application is made, give written notice of the application to the chief executive officer of the rail authority for the rail corridor, and*
 - (b) *take into consideration:*

- (i) *any response to the notice that is received within 21 days after the notice is given, and*
 - (ii) *any guidelines issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (3) *Subject to subclause (4), the consent authority must not grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor to which the development application relates, unless that rail authority is ARTC.*
- (4) *In deciding whether to provide concurrence, the chief executive officer must take into account:*
 - (a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
 - (i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*
- (5) *The consent authority may grant consent to development to which this clause applies without the concurrence of the chief executive officer of the rail authority for the rail corridor if:*
 - (a) *the consent authority has given the chief executive officer notice of the development application, and*
 - (b) *21 days have passed since giving the notice and the chief executive officer has not granted or refused to grant concurrence.*

As works are proposed that involve excavation within 25 metres of the rail corridor and to a depth of at least 2 metres, the DA was referred to Railcorp who provided the following comments:

"I refer to RailCorp's letter dated 21 April 2010 requesting RailCorp's concurrence for the above matter. RailCorp advises that the proposed development has been assessed in accordance with the requirements of Clause 86(4) being:

- a) *the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:*
 - (i) *the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
 - (ii) *the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and*

- b) *what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

In this regard, RailCorp has taken the above matters into consideration and has decided to grant its concurrence to the development proposed subject to Council imposing the following deferred commencement condition and standard conditions listed in Attachment A.

Should Council choose not to impose the deferred commencement condition, then RailCorp's concurrence has not been granted to the proposed development.

Deferred Commencement Condition

This consent is not to operate until the Applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from RailCorp as to the following matters and the approval/certification has been forwarded to the Council:

A1

The Applicant shall prepare and provide to RailCorp for approval/certification the following items:

- 1. A final Geotechnical and Structural report that meets RailCorp's requirements as detailed in RailCorp's "Standard Brief".*
- 2. Construction methodology with details pertaining to structural support during excavation.*
- 3. Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor.*
- 4. And if deemed necessary by RailCorp following the review of the above matters, the following:*
 - i. Track monitoring requirements (including instrumentation and the monitoring regime) during excavation and construction phases.*
 - ii. A rail safety plan.*
 - iii. Any other matter in order to protect the rail corridor.*

RailCorp also grants its concurrence subject to the imposition of the standard conditions provided in Attachment A that will need to be complied with upon satisfaction of the above Deferred Commencement Condition.

Should you wish to discuss this matter please contact Jim Tsirimiagos on 8922 1987. RailCorp also requests a copy of the Notice of Determination and conditions of consent once issued."

The issues raised by RailCorp are included as conditions in the recommended development consent.

Recommended Condition No. 7 requires further consultation to occur with RailCorp in relation to the protection of the railway corridor from objects falling or being thrown from balconies. Whilst the balconies are of sufficient distance from the railway lines themselves (in excess of 12 metres) to ensure that objects falling from the east-facing balconies are not an issue, RailCorp may seek to enforce such requirements that alter the design of the building (enclosed balconies and the like) to protect the integrity of the railway corridor (especially passing trains).

RailCorp's concurrence role in relation to this development extends only as far as matters relevant to the excavation of land to a depth of greater than 2 metres within 25 metres of the railway corridor (measured horizontally) in accordance with the State Policy.

In accordance with Clause 86 of the Policy (Development immediately adjacent to rail corridors), the consent authority is only obliged to take into consideration such matters as RailCorp raises in response to written notice of the proposal.

RailCorp's requirements beyond the geotechnical issues relating to excavation are advisory only and while the applicant is required to liaise with RailCorp in relation to proposed Condition No. 7, any subsequent recommendations of Railcorp are not enforceable unless Council requires them to be so.

In this regard, Council does not consider that it is necessary to effectively barricade the balconies of the development to prevent the incidence of occupants throwing objects onto the railway corridor. However, the condition will still require the proponent to liaise with RailCorp in order to identify possible less intrusive means by which the risk to the safety and integrity of the railway corridor and its users can be minimised.

Clause 87 of the SEPP states:

“87 Impact of rail noise or vibration on non-rail development

- (1) This clause applies to development for any of the following purposes that is on land in or adjacent to a rail corridor and that the consent authority considers is likely to be adversely affected by rail noise or vibration:*
 - (a) a building for residential use,*
 - (b) a place of public worship,*
 - (c) a hospital,*
 - (d) an educational establishment or child care centre.*
- (2) Before determining a development application for development to which this clause applies, the consent authority must take into consideration any guidelines that are issued by the Director-General for the purposes of this clause and published in the Gazette.*
- (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 10.00 pm and 7.00 am,*
- (b) *anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.”*

The acoustic report prepared by Acoustic Dynamics and forming part of the recommended development consent, advises that subject to a number of recommendations, including the provision of laminated windows and glass doors to particular standards nominated in the report and that those doors and windows are shut to minimise noise levels, that the minimum standards prescribed by the SEPP can be achieved.

Roads & Traffic Authority

The proposed development falls under works subject to the provisions of Clause 104 of State Environmental Planning Policy (Infrastructure) 2007 which requires the proposal to be referred to the Roads and Traffic Authority of NSW before consent can be granted by Council (Traffic Generating Development – carparking for in excess of 200 cars on a site with access to any road

The following comments were provided:

PROPOSED DEVELOPMENT LAND USE CLARIFICATION

1. *The SEE and Traffic Statement indicates commercial developments on the ground floor. However, the architectural plans indicate retail development on the ground floor. Retail developments generate more traffic than commercial developments. If Council is concerned about the impact of the proposed development on the local road system, an updated traffic statement should be submitted to the satisfaction of Council.*

Planning comment:

Council is not so concerned in this instance, as the carparking rate prescribed by the City Centre LEP is an exact rate and a maximum requirement. Given that the site is located in close proximity to excellent public transport provision, that the development otherwise provides sufficient carparking and that future use of the ground floor tenancies will require further development consent, Council is willing to accept that the ground floor uses may be either commercial or retail. In addition, there are other uses permissible in the B4 Mixed Use zone which the proponent may explore at a later time.

A determination as to whether the future uses of the ground floor are appropriate and whether adequate parking provision is made will be made in the assessment of any first occupancy DA.

Council's Traffic and Transport Investigations Engineer also raise the issue of commercial versus retail rates, but do not raise it as a significant one for the reasons outlined above.

PARKES STREET/COWPER STREET INTERSECTION

2. *There are safety concerns with regard to the intersection of Cowper Street/Parkes Street which is currently priority controlled. A review of the five year accident history at the intersection has indicated that there is a trend involving vehicles turning right out of Cowper Street colliding with vehicles on Parkes Street. Considering that the proposed development would increase the amount of traffic at the intersection and that there are alternative accesses out of the precinct, it is strongly recommended that right turn movements from Cowper Street into Parkes Street be banned during the AM and PM peak periods.*

The 'No Right Turn' restriction will require approval of the local traffic committee. There may also be a requirement to undertake community consultation which shall be to the satisfaction of Council.

Planning comment:

The RTA's recommendation is included as a recommended condition of consent.

PEDESTRIAN SAFETY

3. *There is currently a pedestrian desire line across Parkes Street between Cowper Street and Valentine Street to access Parramatta Train Station. It is noted that the RTA would not support a signalised crossing at this location due to safety concerns with regard to close proximity to adjacent traffic signals at Wentworth Street and Station Street and limited sight distance due to the railway bridge structure.*

To encourage pedestrians to cross safely at the Parkes Street/ Station Street signalised intersection (rather than mid-block), all pedestrian accesses to the proposed development (particularly for the residential units) should be relocated to the northeast corner of the site (i.e along the Parkes Street frontage as close as possible to the railway line). The vehicular access driveway should remain on Cowper Street.

Planning comment:

The recommendations of the RTA cannot be achieved for two main reasons:

1. The development has been through a strenuous design process to reach this point. Relocation of the pedestrian access to the building would have significant impacts on the design of the building.
2. Relocating the pedestrian access to the lowest part of the site would have significant impacts in terms of access to and from the building in the event of floods.

Accordingly, it is not recommended that the RTA's suggestion be pursued.

NO STOPPING

4. *All carparking shall be accommodated on-site. To enforce this requirement, full time 'No Stopping' restrictions is recommended along the entire Parkes Street frontage. This restriction should be implemented prior to the commencement of any construction works relating to the proposed development. Prior to the installation of the parking restrictions, the applicant is to contact the RTA's Traffic Management Services on phone: (02) 8849 2294 for a works instruction.*

Planning Comment:

A condition to this effect is included in the Recommendation.

CARPARKING & LOADING

4. *All vehicles should enter and exit the site in a forward direction.*
5. *All vehicles should be clear of the carriageway and footpath before being required to stop.*
6. *The amount of off-street carparking spaces, bicycle storage and loading area shall be provided to the satisfaction of Council.*
7. *The layout of the proposed carparking and loading areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths and parking bay dimensions and loading docks) should be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.*

Planning comment:

The extent of carparking provided by the proposed development is considered to be acceptable. The other matters raised by the RTA are included as draft conditions of consent in the Recommendation.

NOISE

9. *The proposed development should be designed such that road traffic noise from Parkes Street is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 Subdivision 2 of State Environmental Planning Policy (Infrastructure) 2007.*

Planning comment:

A draft condition is included the Recommendation.

STATE ENVIRONMENTAL PLANNING POLICY NO.65 – DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT (SEPP 65)

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

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 follows a submission and refinement of the design through the design competition process.

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 and is envisaged by the prevailing planning controls.

Built form

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

The non-residential function of the ground floor of the building better defines the public domain, contributes to the character of the future streetscape, and provides internal amenity and outlook, subject to further assessment upon the first occupancy development application.

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

The development provides some opportunities in this regard, as reflected in the Basix Certificate.

Landscape

The landscaping solutions depicted in the architectural plans are considered to be of high quality.

Amenity

The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight,

natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.

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. In addition to the (as yet) unknown uses of the ground floor spaces, this level of the building features pedestrian and vehicle access to the building and is generally satisfactory in terms of perceived safety in the public domain.

Condition 39 of the recommended conditions requires that security doors to the lift lobbies be provided in order to enhance occupant and visitor safety.

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.

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 to the desired future character of the area.

SYDNEY REGIONAL ENVIRONMENTAL PLAN (SYDNEY HARBOUR CATCHMENT) 2005 – Deemed State Environment Planning Policy

The land is within the Sydney Harbour catchment but is outside the Foreshores and Waterways Area and therefore there are no specific matters for consideration

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.

The development satisfies the relevant aims of the LEP, in particular:

- To promote residential opportunities within the Parramatta City Centre.

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.

Clause 21 – Height of buildings

The LEP prescribes a maximum height for development of this land of 54 metres, plus 10% (5.4 metres) as a result of the design competition. At 59.4 metres (which excludes the roof features which may protrude beyond 59.4 metres), the proposal meets this requirement and is considered satisfactory.

Clause 22 – Floor space ratio

The LEP prescribes a maximum FSR of 6:1 for development of this site, with an additional 10% (0.6:1) permitted in accordance with the successful design competition. The proposed FSR equates to 6.6:1 and therefore complies with the maximum FSR permitted.

Clause 22A – Minimum building street frontage

This clause requires that buildings be constructed on sites of not less than 20 metres in width, except where Council is satisfied that the physical constraints of the site or adjoining sites do not allow for this to occur.

The site frontage exceeds 20 metres to both Parkes and Cowper Streets, thereby complying with the requirements of the LEP.

Clause 22B – Design Excellence

The proposal achieves a high quality of design standard as required by the LEP. In this regard, the proposal satisfactorily addresses:

- That the plans present a high standard of design, materials and detailing having been achieved as a result of a lengthy design process;
- That the development will improve the streetscape and quality of the public domain with new perimeter paving, facade treatment and entry artworks as outlined in the Public Art and Cultural Plan;
- Environmental impacts, particularly the impacts on adjoining properties.

In relation to the Design Competition, the Jury made the following statement in relation to why this scheme was chosen:

"The design is a direct response to a fully complying development under the design controls of Parramatta DCP 2007. The creativity of the design is demonstrated in the adaptation of a perimeter block model on a narrow site utilising a central courtyard/atrium. The articulation of the building into 3 distinct yet connected building blocks through the use of building separation and sky gardens responds to different street frontages and vistas. The gallery access and bridging between building blocks

facilitates apartment designs that deliver both high quality liveability and environmental performance.

The combination of site responsiveness, building massing and articulation and internal apartment design results in this proposals' "Design Excellence" achievement.

Further design development for DA could consider enhancing the slots between building blocks (this has been achieved) and reinforcing the 3 building forms through material selection and balustrade design. It is also important during design development to maintain a balance of both between solid and transparent balustrades, which respond to orientation, facade massing and views, as shown in the proposal."

Clause 22C – Carparking

The LEP requires a maximum provision of 271 carparking spaces (where the ground floor is commercial, not retail) and the proposal will result in 226 spaces being provided. The shortfall in parking provision is 45 spaces.

The variation to the development standard (the control prescribes an exact number of carparking spaces) is addressed below in accordance with the requirements of Clause 24 of the City Centre LEP.

Council resolved on 17th December 2007 to apply as its policy position that the number of carparking spaces per m² of FSR is the maximum allowable, in order to remove the uncertainty in the interpretation of the City Centre LEP. Council reaffirmed its position at its meeting of 16th July, 2010, where it was indicated in a report to Council that:

"A core component of Council's strategic transport planning is the reduction of reliance on the car for travel and greater use of sustainable transport (walking, cycling, public transport). Limiting parking supply is widely acknowledged as a significant component of a travel; demand strategy. More carparking spaces mean more traffic generation and more congestion. More congestion in the CBD erodes pedestrian enjoyment and general amenity of the CBD and undermines economic growth.

A maximum rate is used in most major centres where congestion is an issue, including many European cities, Melbourne, Sydney City, Chatswood, North Sydney and other employment centres like Macquarie Business Park at North Ryde. Not unreasonably limiting parking to reduce impacts of cars reduces congestion and enlivens city centres. This policy is not against providing carparking, but balancing the number of spaces, recognising that an amount is needed to service the needs of development and that Parramatta City centre is well serviced by public transport, both rail and bus."

The provision of carparking is considered acceptable, given the site's location in close proximity to ample public transport services.

Clause 22D – Building separation

Clause 22D of the LEP refers to the specific controls provided by the DCP. In this regard, the DCP, at Section 2.4 requires that the building either have a setback of nil or 6 metres at the street frontage to the side boundaries. The proposed building has a zero setback at the street frontage to the northern and southern sides of the site and complies with the requirements of the LEP.

The primary development control of Building Separation in the Residential Flat Design Code suggests that *“building separation controls should be set in conjunction with height controls and with controls for private/communal open space and deep soil zones. The spatial relationship of buildings is an important determination of urban form because it has to do with the legible scale of an area. Buildings which are too close together also create amenity problems inside the building, for the space between and for neighbouring buildings. These problems include lack of visual and acoustic privacy, loss of daylight access to apartments and to private and shared open spaces.”*

The objectives of the Residential Flat Design Code in respect to ‘Building Separation’ are:

- *To ensure that new development is scaled to support the desired area character with appropriate massing and spaces between buildings.*
- *To provide visual and acoustic privacy for existing and new residents.*
- *To control overshadowing of adjacent properties and private or shared open space.*
- *To allow for the provision of open space with appropriate size and proportion for recreational activities for building occupants.*
- *To provide deep soil zones for stormwater management and tree planting, where contextual and site conditions allow.*

In this regard, the objectives of the Residential Flat Code will not be compromised by the proposed development as:

- The building is appropriately orientated and configured;
- The provisions of privacy are suitably addressed;
- The dwellings will be provided with ample sunlight whilst not denying the sunlight and otherwise development potential for future development on adjoining land to the south;
- Suitable open space is provided for residents of the development; and
- The proposal provides adequate deep soil space and for the through flow of floodwaters.

Clause 22E – Ecologically sustainable development

The design has been prepared having regard to the opportunity of passive solar design and day lighting, suitable orientation and natural ventilation. Details are also outlined on the submitted Basix Certificate.

Clause 22G Parramatta City Centre LEP 2007 – Jubilee Park Special Area

The site is located in the Jubilee Park Special Area, as shown on Figure 1.2 of the City Centre DCP and as prescribed by Clause 22G of the City Centre LEP. The objectives and controls have been satisfactorily addressed in the statement of environmental effects, in particular *“to value and well-use the public domain with mixed use development including housing which increases activity in the evenings and at weekends”* and to *“provide upper level housing which addresses and overlooks the streets....”*.

Clause 24 – Exceptions to development standards

The application is subject to a Clause 24 variation in respect of the carparking provision. Clause 24 permits variations where compliance is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify contravening the standard.

In this instance, the development is required to provide 271 carparking spaces (based on commercial floorspace at ground floor level) and 226 are proposed to be provided, thereby resulting in a shortfall of 45 spaces.

There are no specific objectives for the carparking development standard contained in the LEP. The aims and objectives of the LEP include: *“(F) to enhance access to Parramatta, particularly by public transport, walking and cycling.”*

The supporting DCP identifies the following objectives relating to carparking:

- *“to facilitate an appropriate level of on-site parking provision in the city to cater for a mix of development types.*
- *To minimise the visual impact of carparking.*
- *To provide adequate space for parking and manoeuvring of vehicles (including service vehicles and bicycles).*
- *To recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking.”*

It is therefore reasonably presumed that the underlying objective of the development standard is ‘to ensure that development provides carparking that is adequate to meet the reasonable requirements of users while maintaining an emphasis on reducing reliance on the private motor car and increasing public transport patronage’.

The development application has been submitted so as to enable the development of the land at an increased density thereby facilitating the development of the land in a manner that better achieves Council’s planning aims and objectives as outlined in the City Centre LEP.

The zone objectives specifically seek to minimise on-site carparking within the zone, namely:

“To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.”

The site is in an excellent location in terms of the proximity of public transport. In the circumstances of the site, a variation of the development standard for carparking enables better achievement of the objectives of the LEP and the zone.

The proposed on-site carparking is adequate to serve the development, notwithstanding the variation. In this regard, the following is noted:

- Each unit can be allocated an on-site carparking space;
- Close proximity to rail and bus transportation; and
- Adequate time-limited street parking is available in the precinct.

For these reasons, compliance with the development standard is unreasonable and unnecessary.

A submission under Clause 24 is provided in the statement of environmental effects submitted as part of the DA. This submission adequately addresses the prescribed requirements of Clause 24. It has established that non-compliance with the development standard will not compromise the public interest and that there are sufficient planning grounds warranting support for a variation to the development standard. The shortfall of parking is not inconsistent with the objectives of the development standard or the objectives of the Mixed Use zone.

It is also noted that the Minister has conferred assumed concurrence to Council for Clause 24 except in respect of height and FSR.

In conclusion, the site has excellent access to public transport (buses and trains). The shortfall in carparking will encourage the use of public transport and is unlikely to have an adverse impact on the street network or result in excessive demand for street parking.

Clause 33A – Development on flood prone land

The flood prone land map shows that the site is partially flood affected. The requirements of clause 33A have been addressed by designing the building in response to the 1:100 year flood level and submitting a Flood Study prepared by HKMA Engineers. Council’s Catchment Management Unit has reviewed the application and considers it satisfactory subject to the imposition of conditions.



The site (3 allotments)

The map above shows the 1 in 100 year flood liability of the land.

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 Parramatta Railway Station located to the north of the site. The development is consistent with the objectives of this clause, not being located in a distinct visual catchment of the railway station. For this reason, the DA was not referred to Council's Heritage Adviser for assessment.

PARRAMATTA CITY CENTRE DEVELOPMENT CONTROL PLAN - 2007

The proposal is subject to the requirements of Parramatta City Centre Development Control Plan 2007. 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 the Cowper and Parkes Street frontages of the building as requiring a continuous built edge to both street alignments. The proposal satisfies this requirement.

Part 2.2 Street Frontage Heights

Cowper Street

The Cowper Street frontage of the site is identified as street frontage Type A. Street frontage type A requires a street frontage height of 18.0 - 22.0 metres. Above the street frontage height the building is to be setback a minimum of 6 metres, a maximum of 10 metres and with an average setback of approximately 8 metres.

The building complies with the minimum street frontage height with a proposed height of approximately 20 metres, with a setback above this of 6 metres to the façade (with 4.4 metres to the outer edges of the balconies). It is noted that the recently constructed building at 2-20 Cowper Street (see Page 6 of this report) has setbacks of 4 metres to the balconies and 5.7 metres to the façade.

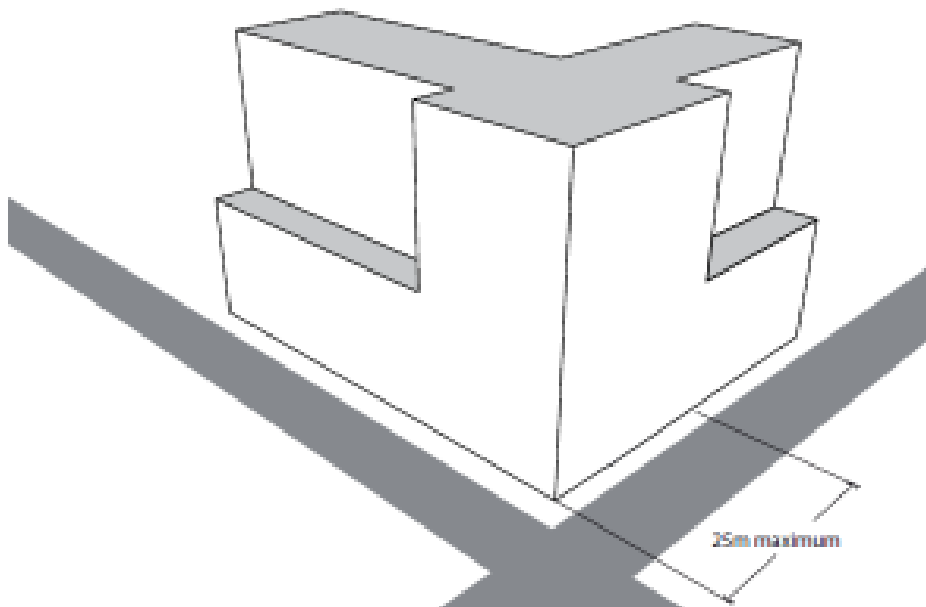
In this instance, the non-compliance is considered acceptable as the development:

- Will enhance the urban character of the street;
- Be consistent with the setbacks of 2-20 Cowper Street;
- The non-compliance is relatively minor and not visually obtrusive.

Parkes Street

The Parkes Street frontage is required to have a street frontage height as depicted in Figure 2.10 of the City Centre DCP.

Figure 2.10 shows the following type of corner treatment as being desirable:



The proposal exceeds the 25 metres maximum for frontage built to the boundary along Parkes Street, with a frontage of approximately 33 metres constructed to the northern boundary. This is considered acceptable as the site adjoins the railway overpass (thereby not setting a precedent for development to the east on Parkes Street) and provides suitable massing at the street corner, with the building separated into modules as indicated below.



View of the proposal's street corner treatment

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.

Part 2.6 Deep Soil Zones

The DCP requires mixed use development to provide at least 15% of the site area as deep soil area. With areas of deep soil, the minimum dimension is required to be at least 6 metres in any direction. The site does not allow for this, as the area at the rear of the site is adjacent to the railway corridor, but still provides 356m² or 13.2% of

the site area as soft soil zone. Instead of increasing the rear setback of the building to provide for additional deep soil zone, the applicant has designed the building to provide a central courtyard (communal space) that still allows a separation at the upper levels of the building to ensure that acceptable privacy levels are achieved. The proposal provides several areas of alternative landscaping of more benefit to future residents (such as the central courtyard) as discussed below and the minor non-compliance is not considered to be detrimental to the proposal.

Part 2.7 Landscape Design and Part 2.8 Planting on Structures

The development provides landscaping in different areas, including:

- The landscape strip between the building and the railway corridor which is a relatively flat area accessed at ground floor level (this area is primarily a visual buffer between the building and the railway corridor);
- Landscape slots to create a green wall on the western façade;
- Internal courtyard planting; and
- Private pocket gardens adjacent to some units.

The extent of landscaping proposed is considered to provide suitable amenity for residents and visitors and satisfies the requirements of the DCP.

Part 2.9 Sun Access to Public Spaces

The height of the building falls below the sun access plane that applies to development in proximity to Jubilee Park. The development would have no impact on solar access to Jubilee Park.

PART 3.0 – PEDESTRIAN AMENITY

Part 3.1 Permeability

The DCP indicates that no pedestrian link is required to be provided over this site.

Part 3.2 Active Street Frontages and Address

The DCP indicates that an active street frontage is required to Cowper and Parkes Streets. The building would offer an architecturally active street presentation to the streets, with the ultimate use of the proposed commercial/retail spaces at ground floor level being subject to further development consent. The development is considered to satisfy the requirements of the DCP in regard to street activation.

Part 3.4 Safety and Security

The development is considered acceptable from a CPTED perspective, there being an improved activation of the streets and reasonable active and passive surveillance over the public domain.

Part 3.5 Awnings

The DCP does not require an awning for development on the subject site. An awning has been provided on part of the Parkes and Cowper Street frontages, wrapping around the corner of the building. The development satisfies the requirements of the DCP.

Part 3.8 Building Exteriors

The building comprises the following:

- White pre-cast paint finished concrete panels, with base levels constructed from a sandstone cladding
- Green coloured glazing
- Zinc framed openings
- Aluminium louvres
- Timber screening at lower levels adjacent to Cowper Street
- Bluestone street pavers.

The central courtyard at Level 1 will form the primary landscaped communal space for residents in the absence of significant ground level landscaping at the rear of the site (adjacent to the railway corridor). The roof will also feature an architectural element to provide a visual feature to the building in addition to its practical functions as private open space for the units immediately below. 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 of such signage is such that development consent is required.

PART 4.0 – ACCESS, PARKING AND SERVICING

Part 4.1 Pedestrian Access and Mobility

The western entry off Cowper Street provides access to the premises without requiring a pedestrian to traverse any steps. A lift provides access to all levels of the building. The development satisfies the requirements of the DCP.

Part 4.2 Vehicular Driveways and Manoeuvring Areas

The development provides suitable access into the carparking area, of a suitable width and with sufficient space for vehicles to be able to enter the site appropriately.

Council's Traffic Engineers are satisfied with the proposed arrangement for parking, subject to the conditions included in the Recommendation.

Part 4.3 On-site Parking

As noted above, the proposal provides sufficient carparking, notwithstanding that it falls short of the maximum number of spaces permitted.

Given that the site is located in good proximity to public transport and that street parking (sometimes requiring metered payment) is not at saturation point, no objection is raised to the provision of parking.

Accordingly, it is considered that the development satisfies the requirements of the DCP.

Part 4.4 Site Facilities and Services

A garbage room is located adjacent to the loading area at ground floor level. Access is provided to the garbage room and the room incorporates a separate waste area for the non-residential parts of the development.

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 displays acceptable initiatives in terms of energy efficiency and water management. The development will need to comply with the commitments of the approved Basix Certificate.

Part 5.5 Waste and Recycling

A waste management plan prepared by a specialist waste consultant 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 existing use at ground floor level. The site is unlikely to be contaminated and is suitable for the uses proposed.

Part 5.7 Soil Management

An adequate erosion and sediment control plan was submitted with the application.

Part 5.8 Flood Plain Risk Management

The flood prone land map shows that the site is partially flood affected. The requirements of Part 5.8 have been addressed by designing the building in response to the 1:100 year flood level and submitting a Flood Study prepared by HKMA Civil & Structural Engineers Pty Ltd. Council's Catchment Management Engineer has reviewed the application and considers it satisfactory subject to the imposition of conditions, including the submission of further information with the submission of the construction certificate.

PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

The proposal requires payment of S94A development contributions as the value of works exceeds \$100,000. A condition requiring payment prior to release of the construction certificate is included in the Recommendation.

RESIDENTIAL FLAT DESIGN CODE

The Residential Flat Design Code is a resource designed to improve residential flat design. The Code sets broad parameters for good residential flat design by illustrating the use of development controls and consistent guidelines.

The Design Code supports the ten design quality principles identified in State Environmental Planning Policy No. 65 — Design Quality of Residential Flat Development as outlined above. It supplies detailed information about how development proposals can achieve these principles.

The following table highlights the controls relevant to this proposal:

ASPECT	CONTROL	PROPOSAL	COMPLIES
Building Depth	Depth should be between 10-18m	Max 13m (façade to façade)	Yes. Centred around an internal courtyard, each module of the building will have a depth not exceeding 13 metres
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys)	The building is not located within proximity of another residential building. At the lower levels, the building will have a zero setback to the southern boundary (in accordance with the DCP) with no windows, thereby not inhibiting the development potential of the site to the south. At	Yes

		levels 7 and above, the south facing windows are high-silled light access windows only (associated with bathrooms and toilets) and will have a 5 metres setback off the boundary.	
Storage	1 bedroom 6m ³ 2 bedroom 8m ³ 3 bedroom 10m ³	Within the basement dedicated storage is provided for some of the units within the development. The plans do not make it clear what the volumes are, although they appear to meet the required standards. A condition of consent is included to ensure that the storage facilities in the basement are to meet the minimum standards outlined in the Residential Flat Design Code.	No (not provided for all units)
Balconies	Provide primary balconies for all apartments with a minimum depth of 2 metres.	All apartments have primary balconies or terraces with a depth of more than 2 metres	Yes
Residential Ceiling heights	Minimum 2.7 metres	Minimum 2.7 metres	Yes
Apartment size	1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	1 bedroom min. 55m ² 2 bedroom min. 75m ² 3 bedroom min. 95m ²	Yes
Open Space	The area of communal open space should be between 25-30% of the site area	In addition to the area of deep soil outlined below, the central courtyard (excluding access and circulation areas, but including landscaped garden at the southern end of the building at Level 1) provides an area of approximately 220m ² plus 125m ² . Combined with the area below, the communal	Yes

		area will equate to approximately 701m ² or 25.9%	
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone	356m ² deep soil or 13.2%	No
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	The building is to be constructed in multiple elements with a central courtyard and void area, with unenclosed corridors surrounding the perimeter of each floor, accessed by 4 elevators	Yes
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice	More than 70% of the units will receive this extent of sunlight.	Yes
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	The orientation of the site and the building is such that dwellings either face north, east or west, with each having access to additional light and ventilation from the central courtyard/void area	Yes
Natural ventilation	60% of units should be naturally cross ventilated	All units with dual aspect.	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation	All kitchens are located in open living areas which have windows.	Yes
Natural ventilation	The back of a kitchen should be no more than 8 metres from a window	Yes	Yes

Planning comment:

The considerations contained in the Residential Flat Design Code are as follows:

Local Context

The proposal is considered to be satisfactory in terms of its local context for the reasons outlined above.

Site Design

The site analysis submitted with the application is considered to be appropriate in terms of dictating the overall form of development for the site. The proposal is considered satisfactory in terms of its visual impact upon the local urban environment.

Building Design

The proposal is considered well designed in terms of visual impact, as well as providing ground floor uses (specifically to be determined) and additional housing close to public transport. The proposal minimises adverse amenity impacts upon the existing built environment and provides satisfactory internal amenity, notwithstanding its proximity to the railway corridor.

Comments on the Likely Impact of the Development *[Section 79C(1)(b)]*

Siting & Design

The proposed development achieves the planning objectives of Parramatta City Centre LEP 2007 and achieves substantial compliance with the numeric controls of the 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, as varied by design excellence.

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, adjacent to the lower scale development of Harris Park to the south and east.

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 and is not located in a heritage conservation area. Its impacts on the nearby heritage item (Parramatta Railway Station) are not considered adverse.

Social & Economic Impact

The proposed development is not expected to have an adverse social or economic impact and will provide additional housing consistent with State Government policies for redevelopment.

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, as well as a Traffic & Construction Management Plan.

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.

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 used more recently for low scale commercial activity that does not contribute to increased activity within the area.

Impacts During Construction

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

Strata Subdivision

There are no implications likely to arise as a result of the Strata Subdivision of a new building. The subdivision application shall ensure that the parking spaces are part lots allocated to building units and not to be subdivided into separate allotments.

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.

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

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

The conclusion of this report is that the proposed development is not contrary to the public interest and nothing raised in the submissions warrants refusal or further modification of the proposed development.

Conclusion

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

Recommendation

That Development Application No. 295/2010 be determined by the granting of a deferred commencement consent under Section 80(3) of the Environmental Planning and Assessment Act, 1979. Upon strict compliance with all conditions appearing in Schedule 1 and with the issue of confirmation to that effect in writing from Council, the deferred commencement consent shall revert to an operational consent, inclusive of all conditions appearing in Schedule 2, pursuant to Section 80(1) of the Act:

Schedule 1

This consent is not to operate until the applicant satisfies the Council, within 12 months of the date of this consent, that it has obtained approval/certification from RailCorp as to the following matters and the approval/certification has been forwarded to the Council:

The applicant shall prepare and provide to RailCorp for approval/certification the following items:

1. A final Geotechnical and Structural report that meets RailCorp's requirements as detailed in RailCorp's "Standard Brief".
2. Construction methodology with details pertaining to structural support during excavation.
3. Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor.
4. And if deemed necessary by RailCorp following the review of the above matters, the following:
 - (a) Track monitoring requirements (including instrumentation and the monitoring regime) during excavation and construction phases.
 - (b) A rail safety plan.
 - (c) Any other matter in order to protect the rail corridor.

Schedule 2

That, upon satisfactory completion of the requirements nominated in Schedule 1 above, the Joint Regional Planning Panel as the consent authority grant development consent to Development Application No. 295/2010 for the demolition of buildings and construction of a 19 storey mixed use development containing 220 residential units and ground floor commercial floor space over 3 levels of basement carparking with strata subdivision at 36-46 Cowper Street, Parramatta 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
001(02) drawn by Ross Howieson Architects	5 th October, 2010
003(00) drawn by Ross Howieson Architects	3 rd June, 2010
101(02) drawn by Ross Howieson Architects	5 th October, 2010
102(02) drawn by Ross Howieson Architects	5 th October, 2010
103(02) drawn by Ross Howieson Architects	5 th October, 2010
104(02) drawn by Ross Howieson Architects	5 th October, 2010
105(02) drawn by Ross Howieson Architects	5 th October, 2010
106(02) drawn by Ross Howieson Architects	5 th October, 2010
107(02) drawn by Ross Howieson Architects	5 th October, 2010

Drawing N ^o	Dated
108(02) drawn by Ross Howieson Architects	5 th October, 2010
109(02) drawn by Ross Howieson Architects	5 th October, 2010
110(02) drawn by Ross Howieson Architects	5 th October, 2010
111(02) drawn by Ross Howieson Architects	5 th October, 2010
112(02) drawn by Ross Howieson Architects	5 th October, 2010
113(02) drawn by Ross Howieson Architects	5 th October, 2010
114(02) drawn by Ross Howieson Architects	5 th October, 2010
115(02) drawn by Ross Howieson Architects	5 th October, 2010
116(02) drawn by Ross Howieson Architects	5 th October, 2010
117(02) drawn by Ross Howieson Architects	5 th October, 2010
118(02) drawn by Ross Howieson Architects	5 th October, 2010
119(02) drawn by Ross Howieson Architects	5 th October, 2010
201(02) drawn by Ross Howieson Architects	5 th October, 2010
202(02) drawn by Ross Howieson Architects	5 th October, 2010
203(02) drawn by Ross Howieson Architects	5 th October, 2010
204(02) drawn by Ross Howieson Architects	5 th October, 2010
301(02) drawn by Ross Howieson Architects	5 th October, 2010
302(02) drawn by Ross Howieson Architects	5 th October, 2010
Stormwater Plan S1(A) drawn by ALW Design	26 th March, 2010
Stormwater Plan S2(A) drawn by ALW Design	26 th March, 2010
Stormwater Plan S3(A) drawn by ALW Design	26 th March, 2010

Document(s)	Dated
Basix Certificate 302667M	11 th April, 2010
Acoustic Report prepared by Acoustic Dynamics	24 th March, 2010
Public Arts & Cultural Plan prepared by Marian Aboud	March 2010
Traffic Report prepared by Traffic Solutions Pty Ltd	12 th April, 2010
Waste Management Plan prepared by Ghossayn Group Pty Ltd	18 th 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.

Railcorp conditions

2. The applicant shall provide an accurate survey locating the development with respect to the rail boundary, RailCorp easements and rail infrastructure. This work is to be undertaken by a registered surveyor, to the satisfaction of RailCorp's representative.

3. Prior to the issue of a construction certificate the applicant shall undertake a services search to establish the existence and location of any rail services. Persons performing the service search shall use equipment that will not have any impact on rail services and signalling. Should rail services be identified within the subject development site the applicant must discuss with RailCorp as to whether these services are to be relocated or incorporated within the development site.
4. Prior to the commencement of works and prior to the issue of the occupation certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from RailCorp and the applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by RailCorp.
5. An acoustic assessment is to be submitted to Council prior to the issue of a construction certificate demonstrating how the proposed development will comply with the Department of Planning's document titled "Development Near Rail Corridors and Busy Roads - Interim Guidelines".
6. Prior to the issue of a construction certificate the applicant is to engage an electrolysis expert to prepare a report on the electrolysis risk to the development from stray currents. The applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a construction certificate.
7. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that face the rail corridor, the Applicant is required to install measures (eg awning windows, louvres, enclosed balconies etc) which prevent the throwing of objects onto the rail corridor and that meet RailCorp requirements. The Principle Certifying Authority shall not issue the construction certificate until it has confirmed that these measures are to be installed and have been indicated on the construction drawings, and written confirmation has been received from RailCorp that it has no objection to the measures to be utilised.
8. Prior to the issue of a construction certificate the applicant is to provide RailCorp with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of AS5100. The Principle Certifying Authority shall not issue the construction certificate until it has received written confirmation from RailCorp that it has received this report and the Principle Certifying Authority has also confirmed that the measures recommended in engineers report have been indicated on the construction drawings.

9. The developer appears to need track possessions (the stopping of trains running on adjacent tracks) and/or power outages (shutting of power to RailCorp's facilities) to be able to undertake the proposed construction and installation work. This will require the developer to enter into a deed with RailCorp, enabling his work to be planned and to proceed in a safe and controlled manner. In this regard the developer should be referred to the Rail Corridor Management Group (RCMG) for further details.
10. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of RailCorp. The Principle Certifying Authority shall not issue the construction certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
11. Prior to the issue of a construction certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to RailCorp for review and comment on the impacts on rail corridor. The Principle Certifying Authority shall not issue the construction certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
12. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.
13. Prior to the issuing of a construction certificate the applicant is to submit to RailCorp a plan showing all craneage and other aerial operations for the development and must comply with all RailCorp requirements. The Principle Certifying Authority shall not issue the construction certificate until written confirmation has been received from RailCorp confirming that this condition has been satisfied.
14. During all stages of the development, environmental legislation and regulations will be complied with.
15. During all stages of the development extreme care shall be taken to prevent environmental harm within the railway corridor. Any form of environmental harm to areas within the railway corridor or legislative non-compliance that arises as a consequence of the development activities shall remain the full responsibility of the applicant.
16. During all stages of the development extreme care shall be taken to prevent any form of pollution entering the railway corridor. Any form of pollution that arises as a consequence of the development activities shall remain the full responsibility of the applicant.

17. Given the site's location next to the rail corridor, drainage from the development must be adequately disposed of/managed and not allowed to be discharged into the corridor unless prior approval has been obtained from RailCorp.
18. Rainwater from the roof must not be projected and/or falling into the rail corridor and must be piped down the face of the building which faces the rail corridor.
19. No work is permitted within the rail corridor, or its easements, at any time unless prior approval or an agreement has been entered into with RailCorp. Where the applicant proposes to enter the rail corridor, the Principle Certifying Authority shall not issue a construction certificate until written confirmation has been received from RailCorp confirming that its approval has been granted.
20. To improve the comfort of future occupants, the landscaping and fencing in the plan should be designed to screen views of the rail tracks and reduce exposure to passing trains. Landscaping and fencing along the rail corridor shall meet RailCorp's satisfaction. The Principle Certifying Authority shall not issue a construction certificate until written confirmation has been received from RailCorp that this requirements has been met.
21. Prior to the commencement of works appropriate fencing shall be installed along the rail corridor to prevent unauthorised access to the rail corridor. Details of the type of fencing and the method of erection are to be to the RailCorp's satisfaction prior to the fencing work being undertaken. The RailCorp may provide supervision, at the developer's cost, for the erection of the new fencing.
22. No scaffolding is to be used within 6 horizontal metres of the rail corridor unless prior written approval has been obtained from the RailCorp. To obtain approval the applicant will be required to submit details of the scaffolding, the means of erecting and securing this scaffolding, the material to be used, and the type of screening to be installed to prevent objects falling onto the rail corridor.
23. The developer must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance plan is to be submitted to RailCorp prior to the issuing of the occupancy certificate. The Principle Certifying Authority shall not issue an occupation certificate until written confirmation has been received from RailCorp advising that the maintenance plan has been prepared to its satisfaction.
24. The Applicant shall provide details of any intended encroachment into RailCorp's easement or RailCorp owned lands, for review and approval by RailCorp prior to the commencement of works.

25. Where a condition of consent requires RailCorp's endorsement the Principle Certifying Authority shall not issue a construction certificate or occupancy certificate, as the case may be, until written confirmation has been received from RailCorp that the particular condition has been complied with.

Roads & Traffic Authority of NSW conditions

26. All car parking shall be accommodated on-site. To enforce this requirement, fulltime 'No Stopping' restrictions is recommended along the entire Parkes Street frontage. This restriction shall be implemented prior to the commencement of any construction works relating to the proposed development. Prior to the installation of the parking restrictions, the applicant is to contact the RTA's Traffic Management services on phone: (02) 8849 2294 for a work's instruction.
27. All vehicles shall enter and exit the site in a forward direction.
28. All vehicles shall be clear of the carriageway and footpath before being required to stop.
29. The layout of the proposed car parking and loading areas associated with the subject development (including driveways, grades, turn paths, sight distance requirements, aisle widths and parking bay dimensions and loading docks) shall be in accordance with AS 2890.1-2004 and AS 2890.2-2002 for heavy vehicle usage.
30. The proposed development shall be designed such that road noise from Parkes Street is mitigated by durable materials in order to satisfy the requirements for habitable rooms under Clause 102 Subdivision 2 of State Environmental Planning Policy (Infrastructure) 2007.
31. 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 conditions

32. That the system of perimeter flood louvres/gates is required to match void/sub-floor areas shown in HKMA plan No. 6037-F-DA01 (Issue A) dated 21 September 2010. The construction certificate plans to be notated accordingly, with the flood louvre/gate clearly defined.
Reason: To provide for flood water to pass through the site (through void under the building).
33. The ground floor level of the building is to be no less than RL 9.94m AHD.
Reason: In order to provide 500mm freeboard for ground floor level relative to the 100 year flood level.

34. The construction certificate plans shall clearly show details of finished levels, including drainage (also on-going maintenance provisions) in the void area under the building.
Reason: To ensure that adequate space is provided.
35. The general slab clearance shall be as large as practically achievable but the underside of structural elements, suspended services conduits, etc shall be not less than RL 9.44m AHD.
Reason: Clearance of building ground floor works (being slab structure and any suspended services conduits, etc) relative to 100 year flood level (of RL 9.44m AHD)
36. The applicant shall liaise with Sydney Water in relation to works in proximity to the adjacent Clay Cliff Creek trunk conduit in Parkes Street. Written evidence of consultation with Sydney Water to be submitted to Council prior to excavation commencing on the site.
Reason: To ensure that Sydney Water is fully aware of works proposed in proximity to the underground stormwater pipe.
37. Security doors to the apartment lift lobbies on Cowper Street shall be provided. Doors should be provided close to the building line to avoid deep recessed spaces and discourage anti social behaviour.
Reason: To ensure an appropriate level of security for occupants.
38. The basement levels shall provide storage facilities for each residential unit providing (at the minimum) the following cubic capacity per unit:
- 1 bedroom units: 6m³
 - 2 bedroom units: 8m³
 - 3 bedroom units: 10m³
- Reason:** To provide adequate storage space.
39. 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.
40. 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.
41. 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.

42. 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.

43. 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.

44. 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.

45. The following tree(s) is/are to be supplied in (a) 100L container and be a minimum height of 1.8m at the time of planting. The distance between tree-trunks is to be 8m. All street trees are to be setback 3m from any driveway and 12m from any intersection and are to be maintained at all times. All trees are to be grown and planted in accordance with Natspec – Clarke .R, *Specifying Trees: A guide to the assessment of tree quality, 2003*.

Tree No.	Name	Location	Distance from trunk
3x	<i>Pyrus calleryana</i> 'Chanticleer'	Parkes Street Road Reserve	8m
4x	<i>Pyrus calleryana</i> 'Chanticleer'	Cowper Street Road Reserve	8m
3x	<i>Pyrus calleryana</i> 'Chanticleer'	Parkes Street Road Reserve	8m

Reason: To ensure restoration of environmental amenity.

46. 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.

47. 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.

48. 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.
Reason: To ensure compliance with Council's minimum standards.

Prior to the release of a Construction Certificate:

49. The final design of the flood gates/louvres is to be clearly shown on the construction certificate plans.

Reason: To finalise the accepted sketch plan submitted.

50. 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.

51. 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.

52. 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.

53. 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.

54. A monetary contribution comprising **\$1,070,910.80** 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.

55. 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.

- 56. The Construction Certificate is not to be released unless the Principal 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.

- 57. 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 Sydney Water's web site at <http://www.sydneywater.com.au> then the "e-developer" icon or telephone 13 20 92.

Following application a "Notice of Requirements" will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Notice of requirements must be obtained and submitted to the Principal Certifying Authority prior to issue of the Construction Certificate.

Reason: Statutory requirement.

- 58. 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.

59. Separate waste bins are to be provided on site for recyclable waste. The specific number of bins shall be determined in consultation with Council's Public Health Protection Officer.

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

60. 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.

61. 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.

62. Prior to the commencement of any works on the site the applicant must submit, a Construction and/or Traffic Management Plan to the satisfaction of the Principal 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,
- i. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- i. The locations of proposed Work Zones in the egress frontage roadways,
- ii. Location of any proposed crane standing areas,

- iii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- iv. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- v. 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,
 - i. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- a. 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.

b. Where applicable, the plan must address the following:

- i. Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- i. 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.
- ii. 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.

63. 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.

64. Prior to commencement of works the applicant shall advise Council in writing, of any existing damage to Council property. A dilapidation survey of Council's assets, including photographs and written record, must be prepared and submitted to the Principal Certifying Authority and Council (if Council is not the PCA) prior to the commencement of works; failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs.

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

65. The development shall make provision for a total of **226** car parking spaces designed in accordance with AS 2890.0 (2004). This requirement shall be reflected on the Construction Certificate plans. The approved car parking spaces shall be maintained to the satisfaction of Council, at all times.

Reason: To ensure adequate car parking facilities are provided.

66. The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1 (2004) & AS2890.2 (2002), except where amended by other conditions of this consent. Certification or details of compliance are to be submitted with the Construction Certificate plans.

Reason: To ensure car parking complies with Australian Standards.

67. 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.

68. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining sites to the south, 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.

69. A total of **226** off-street car-parking spaces, together with access driveways, shall be constructed, paved, line marked and signposted in accordance with the approved development plans, appropriate Australian Standards and industry best practice as appropriate. The plans shall also nominate the allocation of parking spaces for specific purposes as required by conditions of this consent. Certification or details of compliance are to be submitted with the Construction Certificate plans.
- Reason:** To ensure ongoing compliance with this development consent and Australian Standards relating to manoeuvring and access of vehicles.
70. 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

Prior to Commencement of Works:

71. 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:
- 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.
 - 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.
 - 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).
 - The existing groundwater levels in relation to the basement structure, where influenced.
 - 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.

- 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.
- i. 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.
- ii. 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.
- iii. 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.
- iv. Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- v. 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.

72. The preparation of an appropriate hazard management strategy by an licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with the WorkCover Authority's *"Guidelines for Practices Involving Asbestos Cement in Buildings"*. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of

any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

Reason: To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

73. On demolition sites where buildings are known to contain bonded or friable asbestos material, a standard sign containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm is to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or the website www.workcover.nsw.gov.au.

Reason: To comply with the requirements of the NSW WorkCover Authority

74. Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the statement must also be submitted to the WorkCover Authority.

The statement must be in compliance with AS2601-1991 Demolition of Structures," the requirements of WorkCover Authority and conditions of the development approval, and must include provisions for:

- (a) enclosing and making the site safe. Any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- (b) induction training for on-site personnel;
- (c) inspection and removal of asbestos and contamination and other hazardous materials;
- (d) dust control. Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- (e) disconnection of Gas and Electrical Supply;
- (f) fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- (g) access and egress. No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- (h) waterproofing of any exposed surfaces of adjoining buildings;
- (i) control of water pollution and leachate and cleaning of vehicles tyres. Proposals shall be in accordance with the "Protection of the Environmental Operations Act 1997";
- (j) working hours, in accordance with this Development Consent;
- (k) confinement of demolished materials in transit;

- (l) proposed truck routes, in accordance with this development consent; and
- (m) location and method of waste disposal and recycling in accordance with the "Waste Minimisation and Management Act 1995".

The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

Reason: To provide a Work Method Statement.

75. At least one week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, eg AC sheeting, transformers, contaminated soil, roof dust;
- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

Reason: To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

76. A minimum of five 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.

77. Prior to demolition commencing, either the Principal Certifying Authority or Council's building surveyor must inspect the site. Should the building to be demolished be known or suspected by reason of the buildings age or otherwise to be found to be wholly or partly clad with bonded or friable asbestos material, approval to commence demolition will not be given until the PCA or/and Council is satisfied that appropriate measures are in place for the handling, storage, transport and disposal of the bonded or friable asbestos material. Prior to commencement of demolition an inspection fee is to be paid in accordance with Council's current fee schedule.

Reason: To ensure proper handling, storage, transport and disposal of asbestos materials.

78. Demolition works involving the removal, repair, disturbance and disposal of more than 10 square metres of bonded asbestos material must only be undertaken by contractors who hold the appropriate NSW WorkCover Authority licence(s) and approvals.

Reason: To comply with the requirements of the NSW WorkCover Authority

79. 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.

80. Any person or contractor undertaking works on public land must take out Public Risk Insurance with a minimum cover of \$10 million in relation to the occupation of approved works within Council's road reserve or public land, as approved in this consent. The Policy is to note and provide protection for Council as an interested party and a copy of the Policy must be submitted to Council prior to commencement of the works. The Policy must be valid for the entire period that the works are being undertaken on public land.

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

Reason: To ensure the community is protected from the cost of any claim for damages arising from works on public land.

81. The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following:

Details of recycling and the removal of soil and rubbish from the site in the course of demolition and excavation operations including:

- (i) Type and quantities of material expected from demolition and excavation;
- (ii) Name and address of transport company;
- (iii) Address of proposed site of disposal;
- (iv) Name/address of company/organisation accepting material;
- (v) Types and quantities of materials that are to be re-used; or recycled, on and off site and procedures involved;
- (vi) Name of company/contractor undertaking on and off site re-use and recycling, and address of recycling outlet;
- (vii) Material for disposal and justification of disposal; and

- (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contacts.

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

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

82. 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.

83. 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.

84. 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.

85. 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.

86. A pedestrian and Traffic Management Plan must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of demolition and/or excavation. It must include details of the:

- (a) Proposed ingress and egress of vehicles to and from the construction site
- (b) Proposed protection of pedestrians adjacent to the site
- (c) Proposed pedestrian management whilst vehicles are entering and leaving the site
- (d) Proposed route of construction vehicles to and from the site, and
- (e) The Pedestrian and Traffic Management Plan shall be implemented during the demolition, excavation and construction period.

Reason: To maintain pedestrian and vehicular safety during construction.

87. 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.

88. 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.

89. 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:

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

90. 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.

91. If development involves excavation that extends below the level of the base, or the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

- Protect and support the adjoining premises from possible damage from the excavation
- Where necessary, underpin the adjoining premises to prevent any such damage.

Note: If the person with the benefit of the development consent owns the adjoining land or the owner of the adjoining land has given consent in writing to the condition not applying, this condition does not apply.

Reason: As prescribed under the Environmental Planning and Assessment Regulation 2000.

92. Prior to commencement of works the applicant shall advise Council in writing, of any existing damage to Council property. A dilapidation survey of Council's assets, including photographs and written record, must be prepared and submitted to the Principal Certifying Authority and Council (if Council is not the PCA) prior to the commencement of works; failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs.

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

93. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

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

During Construction or Works:

94. 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.

95. 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.

96. 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.

97. 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.

98. 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.

99. 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.

100. 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.

101. 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.

102. Where demolition is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the Department of Environment and Climate Change (DECC) licensed waste facility for bonded or friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

103. All bonded and friable asbestos waste material on-site shall be handled and disposed off-site at a Department of Environment and Climate Change licensed waste facility by an DECC licensed contractor in accordance with the

requirements of the Protection of the Environment Operations (Waste) Regulation 1996 and the EPA publication Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

104. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.

Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2005 are met.

105. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in the consent shall be removed or damaged during construction including the erection of any fences, hoardings or other temporary works.

Reason: Protection of existing environmental infrastructure and community assets.

106. 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.

107. 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.

108. 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.

109. 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.

110. 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.

Prior to the issue of an Occupation Certificate or Subdivision Certificate:

111. The applicant shall construct public domain works to the written satisfaction of Council prior to issue of an Occupation Certificate
Reason: To ensure that public domain works are consistent with the approved plans.
112. A fully detailed Flood Response Plan be submitted to Council's Catchment Management Unit, prior to the release of the Occupation Certificate.
Reason: To ensure that an adequate plan is in place to deal with access to an from the building prior to the arrival of any flood peak.
113. An application for street numbering shall be lodged with Council for approval, prior to the issue of a Subdivision Certificate, which ever occurs first.
Note: Notification of all relevant authorities of the approved street numbers shall be carried out by Council.
Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.
114. 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.
115. 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. [302667M](#), will be complied with prior to occupation.
Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.
116. 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
117. Occupation or use, either in part or 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.

118. 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.
119. The landscaping shall be completed in accordance with the consent and approved plans, prior to occupation or use of the premises and shall be maintained at all times.
- Reason:** To ensure landscaping is completed in accordance with the approved plans and maintained.
120. A Notification Agreement outlining the electrical construction requirements and associated fees shall be obtained from Integral Energy prior to the release of the linen plans.
- Reason:** To ensure electricity supply is available to all properties.
121. The Linen plan of subdivision shall conform with Council's Development Consent No [DA/295/2010](#) and all relevant conditions there under.
122. 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.

123. 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.

124. 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.

125. The Subdivision Certificate (lien release) shall not be issued until an Occupation Certificate has been issued.

Reason: To ensure the development is built in accordance with the approved plan.

126. A separate application must be made for a subdivision certificate. The application is to be accompanied by documentary evidence demonstrating compliance with all conditions of consent.

Reason: To comply with the requirements of the Environmental Planning and Assessment Act 1979 (as amended).

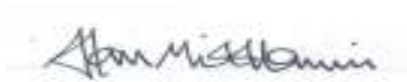
127. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of our website at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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

Use of the Site:

128. The use of the ground floor commercial/retail tenancies shall be the subject of further development consent of Council.
Reason: To ensure that the use of the ground floor of the building is assessed in accordance with the requirements of the EPA Act 1979.
129. Any External Plant/ air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.
Reason: To minimise noise impact of mechanical equipment.
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Report prepared by:



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Development Assessment Team

Date: 2nd November, 2010