

**ASSESSMENT REPORT – MIXED USE DEVELOPMENT  
S79C – Environmental Planning & Assessment Act 1979**

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**SUMMARY**

**Application details**

DA No:	DA/948/2010
Assessment Officer:	Sasi Kumar
Property:	Lot 511 DP 866023, 5-7 Parkes Street, PARRAMATTA NSW 2150
Proposal:	Demolition of existing structures , tree removal and construction of a 5 storey mixed use development containing ground floor commercial tenancies and 56 residential apartments over 2 levels of basement car parking accessed from Anderson Street.
Cost of Works	\$13,342,933
Date of receipt:	22-Nov-2010
Applicant:	Fayad - NR Parkes Pty Ltd
Owner:	Wentworthville Leagues Club Limited
Submissions received:	Four (4) submissions
Property owned by a Council employee or Councillor:	No
Issues:	Flooding
Recommendation:	Approval subject to conditions of consent.
Determination	The development will be determined by the Western Sydney Joint regional Panel as the cost of development exceeded \$10 million at the time of lodgement on 22 November 2010.

## **Legislative requirements**

Zoning:	Mixed use B4
Permissible under:	Parramatta City Centre Local Environmental Plan 2007
Relevant legislation/policies:	Parramatta City Centre LEP 2007, Parramatta City Centre DCP 2007, SEPP 65 ( Design Quality of Residential Flat Development), SEPP( BASIX), SEPP( Infrastructure), Urban Renewal SEPP Notifications DCP, Residential Flat Design Code.
Variations:	No variations
Integrated development:	No
Crown development:	No

## **The site**

Site Area:	2016m <sup>2</sup>
Easements/rights of way:	The submitted survey does not indicate any easements or restrictions existing upon the subject site.
Heritage item:	No
In the vicinity of a heritage item:	No
Heritage conservation area:	No
Site History:	
DA/746/1998	Carry out alterations & additions to the existing restaurant building to accommodate dining area. Approved 26 October 1998.
PL/99/2005	Pre-lodgement advice provided on 8 November 2005 for Lonestar Restaurant to put offices at the back.
DA/1207/2005	Construction of a single storey commercial building. Approved 11April 2006.

PL/25/2008 Pre-lodgement advice provided on 13 March 2008 for proposed mixed use development- restaurants and retail spaces.

DA/394/2008 Demolition and construction of a two storey commercial building over two levels of basement car parking. Approval is also sought to occupy the building as a club. Approved on 12 May 2009.

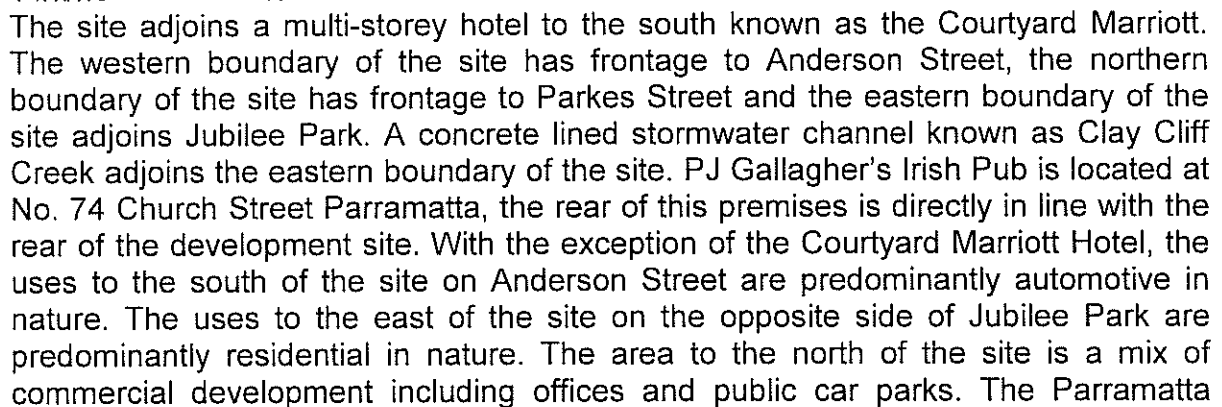
### **Relevant DA history**

22 November 2010	Application lodged.
29 November 2010	Letter sent to applicant requesting additional information including a variation for the height of the building, a revised Statement of Environmental Effects and Waste Management Plan amongst other requirements.
22 December 2010	Design Review Panel recommendations provided.
19 January to 9 February 2011	Application notified.
2 February 2011	JRPP Overview report submitted.
17 February 2011	Amended architectural plans submitted.
24 March 2011	Amended plans reconsidered by Design Review Panel and recommendations forwarded.
24 March 2011	Land and Property Management Authority's response received.
8 August 2011	Amended architectural plans and documents received.
24 August 2011	Traffic Engineer's comments received.
25 August 2011 to 24 September 2011	Application re notified.
26 August 2011	Comments from Internal Infrastructure received.
31 August 2011	Environmental Waste comments received.
12 November 2011	Comments from Department of Water received.
27 November 2011	Endorsed recommendations of Design Review Panel received on the reconsideration of the amended proposal.
14 December 2011	Arts plan comments provided.

Development received.	Engineer's	comments
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Tree Preservation and Landscape Officer's comments received.

## SITE & SURROUNDS



Transport Interchange and Westfield shopping centre are within 300m walking distance of the subject site to the north-west.

Currently there is a single storey building on site which was previously used as a restaurant .

The immediate building to the south is a 7 storey hotel building, while the buildings to the north are 4-5 storey commercial buildings across Parkes Street. The nearest residential buildings is to the eastern side of Jubilee Park which are three to four storey mixed use buildings.

The site has a frontage of approximately 61.405m to Parkes Street and 21.57m to Anderson Street. A common boundary of 39.865m to Jubilee Park and a southern boundary of 59.085m.

A part of the site was also being considered for road widening under SREP 18 however, it has now been abandoned as confirmed later in the report.

## BACKGROUND

The subject site had a variety of development applications as explained in the site history elsewhere in the report. The last known use for the site was as a restaurant.

On 12 May 2009 the NSW Land and Environment Court approved a development application for the demolition of the existing restaurant and the construction of a two storey registered club with two levels of basement car parking. This application does not seem to have been taken up by the applicants of that development application.

In November 2010 the current development application for demolition, tree removal and the construction of a 6 storey mixed use development containing a ground floor commercial tenancy, ground floor parking and 70 apartments over 2 levels of basement car parking accessed from Anderson Street. The application was accompanied by Clause 24 objections as the applicant seeks to exceed the height control by up to 1.8 metres and provide 70 parking spaces rather than the 84 required.

The application was first considered by the Design Review Panel meeting on 15 December 2010 and had the following comments to offer;

"

1. *The Panel does not believe the minor height control non-compliance is an issue, particularly for as the ground floor is raised for flood control compliance, and the proposal is consistent with adjacent development.*
2. *The planter and artwork shown on Parkes Street should be re-considered in respect of alignment, practicality and street activation.*
3. *The proposed street level access to both lift lobbies is not considered acceptable separate direct lobbies should be provided with better access and*

*activation to street frontages. Increases lift lobby areas for ease of access (removalists etc).*

- 4. The applicant should investigate increasing the extent of active uses to street frontages, particularly on the Jubilee Park corner. The public art project could be integrated into the Jubilee Park frontage, simultaneously providing screening to carpark.*
- 5. Many of the primary living spaces are too small or poorly proportioned. These spaces should be checked to see if they are able to be furnished properly and if not, the spaces should be enlarged.*
- 6. Many bedrooms appear to have deeply recessed, very small windows. Consider better quality of access to natural light and ventilation.*
- 7. The Panel believe communal open space requirements would be best located on the roof for this development, set back from the street parapet.*
- 8. Provide detailed and accurate information on 'timber' façade elements.*
- 9. All west facing balconies should have appropriate sun control.*

*Amended plans submitted to Council to address the concerns of the Design Review Panel the amended plans will be referred back to the Panel for comment."*

The amended plans were considered by DRP further on 16 March 2011 and the following comments were offered;

"

- 1. The Panel does not object to the proposed height of the development. The panel does however object to the current proposal to provide 2.45m floor to ceiling heights as this would have a detrimental effect on the amenity of the units.*
- 2. The Panel generally supports the changes to the ground floor with regard to street activation with extended commercial areas and the proposed pedestrian entry on Parkes Street. The proposed entry sequence from the street to the lift lobby is still convoluted. The lift area will be a dark and uninviting space. The panel recommends two separate entrances with foyers each having direct access from the street to a lift lobby. Each lift lobby should have as much natural light as possible and views out towards the street.*
- 3. The panel supports the proposed changes in relation to the treatment of the ground floor fronting Jubilee Park incorporating outdoor dining space and a public art feature wall. The applicant is encouraged to extend the outdoor terrace to the boundary line and to extend the feature art wall around the terrace to the corner and partially along Parkes Street as suggested in the meeting.*

4. *Details regarding the proposed artwork are to be provided by the applicant including thematic content, materials, lighting and visibility.*
5. *A detailed landscape proposal should be provided specifying plant types and sizes. The applicant also needs to demonstrate that the proposed street trees are consistent with the council's street tree planting strategy for Parkes Street and Anderson Street.*
6. *The proposed improvements to the individual unit layouts are generally supported however the panel recommends further simplifying the plans at unit levels. Improvements recommended by the panel included, reconfiguring the units on the south east corner to provide west facing balconies and repositioning the balcony to units 14, 28, 42, 56 and 70 to address privacy issues with adjacent units.*
7. *To improve the amenity within the common area corridors and lift lobbies on all the upper floor levels, the applicant is advised to amend the plans to provide views out towards the street and/or Jubilee Park. This would also provide natural light and ventilation to the core areas of the building.*
8. *With regard to the communal open space on the roof the panel recommends planting in association with the proposed pergola structures and/or the introduction of lightweight canopies for shade. "*

Amended plans reducing the height of the building from 6 storeys to 5 storeys and reducing the number of units from 70 to 56 were submitted to the Council on 8 August 2011. The Design Review Panel in its recommendations from its meeting on 19 October 2011 sought to seek modifications and these are discussed further under SEPP 65 comments later in the report.

A detailed assessment of the amended proposal is carried out under the SEPP 65 discussion later in the report.

## **THE PROPOSAL**

The proposal is as follows;

- Commercial floor space= 927m<sup>2</sup>
- 56 Residential units(16 x 1 bedroom, 36x 2 bedroom & 4x1 bedroom )
- 79 car parking spaces( including 6 disabled spaces, a motorcycle space and a car wash)
- Loading bay on ground floor
- Vehicular access from Anderson Street

Details of the proposal are as follows:

- Lower Basement containing 42 residential car spaces (including 6 disabled car spaces), a motor cycle space, 30 storage areas, two lifts, stairs and access ramp.

- Upper basement containing 35 ( Commercial and Residential )car spaces, a car wash, plant room, 26 storage spaces, two lifts, stairs and access ramp.
- Ground floor consisting of three separate commercial spaces, basement access from Anderson Street, two pedestrian entries from Parkes street, a pedestrian entry from Anderson Street. A deck to the eastern boundary with Jubilee Park, a waste room and loading dock to the southern boundary.
- 8 bicycle spaces and 1 motor cycle space have also been provided.
- Level 1 consisting of 14 units of the following mix;
  - 2x1 bedroom+ Study unit – 63m<sup>2</sup>( with one balcony each)
  - 2x1 bedroom Adaptable unit- 62m<sup>2</sup>(With one balcony each)
  - 8x 2 bedroom unit ranging from 78m<sup>2</sup> to 108m<sup>2</sup>(6 with one balcony and 2 with two balconies each)
  - 1x 2 bedroom unit + study -85m<sup>2</sup>(with a balcony each)
  - 1x 3 bedroom unit- 107m<sup>2</sup>( with a balcony each)
- Level 2 consisting of 14 units of the following mix;
  - 2x1 bedroom + study- 63m<sup>2</sup>( with one balcony each)
  - 2x1 bedroom Adaptable unit- 62m<sup>2</sup>(With one balcony each)
  - 8x 2 bedroom unit ranging from 78m<sup>2</sup> to 108m<sup>2</sup>(6 with one balcony and 2 with two balconies each)
  - 1x 2 bedroom unit + study -85m<sup>2</sup>(with a balcony each)
  - 1x 3 bedroom unit- 107m<sup>2</sup>( with a balcony each)
- Level 3 consisting of 14 units of the following mix;
  - 2x1 bedroom + study- 63m<sup>2</sup>( with one balcony each)
  - 2x1 bedroom Adaptable unit- 62m<sup>2</sup>(With one balcony each)
  - 8x 2 bedroom unit ranging from 78m<sup>2</sup> to 108m<sup>2</sup>(6 with one balcony and 2 with two balconies each)
  - 1x 2 bedroom unit + study -85m<sup>2</sup>(with a balcony each)
  - 1x 3 bedroom unit- 107m<sup>2</sup>( with a balcony each)
- Level 4 consisting of 14 units of the following mix;
  - 2x1 bedroom + study- 63m<sup>2</sup>( with one balcony each)
  - 2x1 bedroom unit- 62m<sup>2</sup>(with one balcony each)
  - 8x 2 bedroom unit ranging from 78m<sup>2</sup> to 108m<sup>2</sup>(6 with one balcony and 2 with two balconies each)
  - 1x 2 bedroom unit + study -85m<sup>2</sup>(with a balcony each)
  - 1x 3 bedroom unit- 107m<sup>2</sup>( with a balcony each)
- Roof plan consisting of;
  - Communal open space
  - Pergola
  - Clothes drying area

The lift access has been provided to the roof.



## PERMISSIBILITY

The proposed use is defined as "mixed use" under Parramatta City Centre Local Environmental 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 zoning applying to the land.

## REFERRALS

### 1. External

#### NSW Office of Water :

The matter was referred to NSW Office of Water to determine if the application was an Integrated Development. NSW Office of Water had the following comments to offer.

*"The NSW Office of Water has reviewed documents for the above development application and considers that, for the purposes of the Water Management Act 2000, a Controlled Activity Approval is not required and no further assessment by this agency is necessary for one of the following reasons.*

*The proposed works are exempt from the need to obtain a Controlled Activity Approval under Part 3, Division 2, Subdivision 4 and cl26 of Part 2 of Schedule 5 of the Water Management (General) Regulation 20011 (Activity carried out on waterfront land relating to a river where the channel of the river is fully concrete lined or is a fully enclosed pipe channel)"*

#### Planning comment:

The application is therefore not considered to be an Integrated Development.

#### Land & Property Management Authority

A request for concurrence to Clause 8 of SREP No. 18 – Public Transport corridors was forwarded to the Office of Strategic Lands. The following was the response;

*"Clause 9 (3) of SREP 18 requires certain matters to be taken into consideration in determining whether to grant concurrence. These matters relate to the impacts of any development on the cost and practicability of acquiring the land at a later date.*

*The public transport corridor as envisioned in the SREP has been successfully delivered and is now operational and there are no longer any plans to acquire any portion of the subject parcel. The acquisition requirement has been removed from this parcel under the Parramatta City Centre Local Environmental Plan 2007 (LRA-001 as amended). Accordingly under Clause 9(1) of SREP 18 this Office grants concurrence to this application.*

*Please note that this concurrence does not extend to an opinion or otherwise as to the merits of the development application and its assessment under Part 4 of the EP&A Act."*

Planning comment:

The Land & Property Management Authority has granted concurrence to the application and no objections are raised for the development to proceed further.

## **2. Internal**

### **Environmental Compliance**

The development application was referred to the Council's Environmental Compliance Officer for comment. On 31 August 2011 the officer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent.

Planning comment:

The recommended conditions have been incorporated within the Recommendations section of this report.

### **Civil Assets**

The development application was forwarded to Council's Civil Assets and on 26 August 2011 the following comments were provided;

*"I have reviewed the architectural plan associated with this Application (ABSA Site Plan 0 4 .3 8) and I have no specific comments.*

- *Standard conditions for Vehicle Crossings apply.*
- *Standard conditions for restorations and road opening permits apply.*

*Other considerations:*

1. *A public domain plan must be submitted and approved by Council's Civil Infrastructure Team prior to issue of CC. The public domain plan will need to reflect recent changes to The City Centre Pavement design as set out in the Public Domain Guide.*
2. *All kerb ramps must be relocated and redesigned to comply with the Disability Discrimination Act and the Public Domain Guide.*

3. *The Footpath Crossing (driveway) treatment is to comprise 150mm x 150mm Aluvium PPX 544:400D pavers over 200mm concrete slab.*
4. *The fall across the footpath (set out from top of kerb) must not exceed 2.5%. Boundary levels to be designed to achieve this requirement.*

*Note: Public Domain Plan and footpath crossing plans are to be submitted to Council's Civil Assets section for approval prior to issue of a CC."*

Planning comment:

The recommended conditions have been incorporated within the Recommendations section of this report.

### **Open Space & Recreation**

The application was referred to Council's Open Space and Recreation Team as the application adjoins Jubilee Park . The following comments were received:

- *Southern / eastern proposed turf area to be more thickly vegetated /landscaped to strengthen planting in adjacent Jubilee Park and to soften building interface;*
- *Lillypilly boundary hedge to utilise more advanced stock to more affectively screen building foundations / wall (e.g. 25lt);*
- *No access through or storage of materials / equipment in this reserve. "*

Planning comment:

The above conditions are incorporated within the Recommendation section of this report.

### **Traffic and Transport Investigations Engineer**

The development application was referred to the Council's Traffic Engineer for comment. On 24 August 2011 the officer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent. The comments provided as below;

#### **"Proposed Development**

5. *The proposed development is located within the Parramatta City Centre LEP 2007 and has been assessed in accordance with Council's DCP 2005, AS 2890.1-2004 and AS 2890.6-2009.*

6. *The details of the proposal as per the submitted amended DA plans are summarised below:*

- *Mixed-use development comprising of 1,218m<sup>2</sup> of 56 one to three bedroom residential units (8 x 1-bedroom units; 8 x 1-bedroom units with study; 32 x 2-bedroom units and 8 x 3-bedroom units) and 1,028m<sup>2</sup> GFA of commercial use.*

- Provision for 79 carparking spaces on site (36 spaces on the upper basement level of which 24 spaces - residential, 10 spaces - commercial, 1 space - small car and 1 car wash space; and 43 spaces in the lower basement level of which 41 spaces – residential, 1 space - small car and 1 space- motorcycle)
- Provision of 1 loading bay on the ground floor which can accommodate a small rigid truck (6.4m long).
- All vehicular access is provided via a combined entry/exit driveway off Anderson Street. No vehicular access provided off Parkes Street.

### **Parking Requirements**

7. Clause 22C (1) of the Parramatta LEP 2007 (Amendment 4) specifies the following parking rates (maximum):

- Residential component for 1, 2 and 3 bedroom units (56 Units) – 1 space per dwelling for residents + 1 space per 5 dwellings for visitors = 67.2 (67) spaces (including 11 spaces for visitors)
- Commercial component - 1 space per 100m<sup>2</sup> GFA (1,028m<sup>2</sup> GFA) = 10.28 (11) spaces  
Total = 78 parking spaces maximum

### **Traffic Generation**

8. The traffic generation data and statement as indicated in the letter dated 8 July 2011 from Dean Brodie of Brown Consulting (TRIM Doc D02060635) is noted. It is also noted that the traffic expected to be generated by the proposed development is lower than the previously approved development (Item 4 above).

### **Parking Provision and Layout**

9. The proposed development provides a total of 78 parking spaces on-site (36 spaces on the upper basement level of which 24 spaces - residential, 10 spaces - commercial, 1 small car space and 1 car wash space; and 42 spaces in the lower basement level of which 41 spaces – residential, 1 space - small car) plus 1 space for a motorcycle and 1 loading bay for a small rigid truck on the ground floor. Accordingly the total number of parking spaces provided on site comply with Council's City Centre LEP 2007 (Amendment 4).

10. Parking layout:

- The location of the loading bay is considered acceptable.
- The locations of the columns within the parking spaces comply with Clause 5.2 of AS 2890.1-2004.

- The layout and dimensions of the parking spaces along with an aisle width varying from 6.225m to 6.31m including the configuration of the disabled parking spaces comply with AS 2890.1-2004 and AS 2890.6-2009.
- The turning path of a small rigid vehicle as shown on the plan submitted with the Traffic Statement is considered acceptable.
- It is recommended that the traffic movements within the parking area should be marked with pavement directional arrows.

### **Access Arrangement**

11. All vehicular access is provided via combined entry/exit driveway (6.6m wide) off Anderson Street. No vehicular access is provided off Parkes Street.

12. The gradient of the access driveway between the loading bay and boundary line from Anderson Street is 5% at 16.4m long. The gradients of the access driveway ramp to the carparking areas in the basement levels, as shown on the plan, comply with AS 2890.1-2004.

### **Proposed Road Widening of Parkes Street near Wentworth Street**

13. The northern section of ground floor commercial development is to be set back to the northern alignment of the base of the steps between the steps and the site boundary. This will provide for a pedestrian 'right-of-way' or colonnade at ground level, to facilitate future road widening near the site. This footpath is near the pedestrian crossing of Wentworth Street and is narrower than most other footpaths in the area.

### **Conclusion**

Based on the analysis and amended information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on Anderson Street and Parkes Street and the surrounding road network. The proposal can be supported on traffic and parking grounds subject to the following traffic related conditions. In addition, the northern section of ground floor commercial development is to be set back to the northern alignment of the base of the steps between the steps and the site boundary. This will provide for a pedestrian 'right-of-way' or colonnade at ground level, to facilitate future road widening near the site.

### **Recommendation**

If this DA is to be approved, then the following traffic related conditions should be included in the conditions of consent:

- a) 78 off parking spaces (36 spaces on the upper basement level of which 24 spaces - residential, 10 spaces - commercial, 1 small car space and 1 car wash space; and 42 spaces in the lower basement level of which 41 spaces – residential including 6 disabled parking spaces, 1 small car space) plus 1 space for a motorcycle are to be provided, permanently marked on the pavement and used accordingly.
- b) The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls and 6.2m aisle width minimum. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space).
- c) The dimensions and configuration of the disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space).
- d) Traffic within the upper and lower basement parking areas is to be marked with pavement directional arrows.
- e) 1 loading bay for a small rigid truck (6.4m long x 4.0m wide) is to be provided on the ground floor, as shown on the submitted amended plan.
- f) A combined entry and 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.
- g) Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.
- h) The driveway width (w) at the concrete layback is to comply with Council's Standard Heavy Duty Vehicular Crossing plan (DS9).
- i) Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.
- j) The northern section of ground floor commercial development is to be set back to the northern alignment of the base of the steps from the steps to the site boundary. This will provide for a pedestrian 'right-of-way' or colonnade at ground level, to facilitate future road widening near the site. This footpath is near the pedestrian crossing of Wentworth Street and is narrower than most other footpaths in the area.
- k) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.
- l) 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.*

*m) Sight distance to pedestrians exiting the property is to 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.*

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

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

*p) Occupation of any part of footpath or road at or above (including construction and/or restoration of footpath and/or kerb or gutter) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.*

*q) Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA. "*

Planning comment:

The recommended conditions of Council's Traffic & Transport Investigations Engineer are incorporated within the Recommendation section of this report.

**Arts Plan**

The development application was referred to the Council's Senior Project Officer for comment. On 14 December 2011 the officer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent. The comments provided as below;

*"At this stage Council is satisfied with the intent of the Arts Plan. The historical and cultural site analysis identifies the key elements of the site history and through the public art wall provides the public with an insight into the relevant and appropriate themes within the context of its site.*

However, some reassurances will be needed that the Arts Plan will be implemented and artwork/s installed prior to occupation of the site by the client, as required in the conditions of consent. Therefore the following requirements must be met in full:

1. That the Applicant engages an Artist/s to develop site specific artwork/s which is consistent to the proposed themes and treatment areas outlined in the Arts Plan.
2. On completion of the artwork design stage, the Applicant will be required to submit all additional documentation to Council that details the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management **prior to its implementation.**
3. The artworks are to be completed in full in line with the documentation submitted and the artworks are installed to the satisfaction of Council prior to the issue of the Occupation Certificate."

#### Planning comment

The arts plan and its associated report are acceptable and the recommended conditions have been incorporated within the Recommendations section of this report.

#### **Development Engineer**

The development application was referred to the Council's Development Engineer for comment. On 14 December 2011 the officer provided advice that they raised no issues to the proposed development subject to conditions being incorporated into the development consent. The comments provided as below;

#### **"DOCUMENT AND PLAN REFERENCE**

*The following documents were reviewed in assessing the proposal:*

- D02264359 Submission by HKMA as a result of a clarification/facilitation meeting in Council (20/01/2012) after a memo from Bewsher Consulting – letter dated 6/02/2012 by HKMA & Concept Flood Warning, Evacuation and Management Plan Revision A February 2012.
- D02264359 Concept Site Stormwater Drainage plan dwg No. 6273-C DA03 Issue E, dated 01/11/11 prepared by HKMA
- D02212139, Bewsher Consulting Memo(3) dated 19/Dec/2011
- D02121810, Bewsher Consulting Memo (2) dated 4/Oct/2011
- D02264359 Concept Site Stormwater Drainage plan dwg No. 6273-C DA03 Issue E, dated 01/11/11 prepared by HKMA

#### **DISCUSSION**

##### **Flood Prone**

1. With reference made to Bewsher memo (2) dated 4/10/2011 :



*The combination of sloping ground/road surfaces and spatial variability in peak flows results in considerable differences in flood levels along (and also between) these flowpaths. For example:*

- *Just west of the site in Parkes Street (at SKM model section Church\_Parkes\_104), the 20 year, 100 year and PMF flood levels are 11.69m, 11.75m and 12.95m AHD respectively;*
- *In Anderson Street south of the site's south-eastern corner (at SKM model section Parkes\_Anderson\_85), the 20 year, 100 year and PMF flood levels are 10.52m, 10.74m and 12.97m AHD respectively;*
- *Adjacent to the site's south-eastern corner (at SKM model section Claycliff\_1607), the 20 year, 100 year and PMF flood levels are 9.92m, 10.24m and 13.01m AHD respectively; and*
- *Adjacent to the site's north-eastern corner in Parkes Street (at SKM model section Church\_Parkes\_209), the 20 year, 100 year and PMF flood levels are 9.84m, 9.92m and 11.31m AHD respectively.*
- *Ground Floor commercial (shop) areas having frontages to Anderson Street and Parkes Street via entry lobbies or porches as well as to an eastern boundary landing which then connects to Parkes Street. All have a proposed floor level of 11.8m AHD.*

**2. With reference made to Bewsher memo (3) dated 19/Dec/2011:**

- **Clause 3.2.2 Public Art Report:** ' PROVIDED that the flood/hydraulic performance requirements govern the final public art physical parameters such as relative widths of openings to obstructions and clear opening widths, etc and not vice versa.'

*It is concluded that the flood/hydraulic parameters govern the final public art physical parameters and not vice versa, therefore the eastern boundary fence on Jubilee Park shall be open form fence (pool fence type) below RL 10.24m which is the 1:100 year flood in this location.*

**3. A letter dated 6/02/2012**

*The submitted letter by HKMA letter dated 6/02/2012 is found to be satisfactory. This letter was submitted to Council as a result of a clarification/facilitation meeting in Council (20/01/2012) to address a memo from Bewsher Consulting concerning flood issues.*

**Stormwater Disposal**

*As per the concept stormwater plan dwg No. 6273-C DA03 Issue E, dated 01/11/11 prepared by HKMA .*

**Basement carparking/access/driveway gradients/vehicle manoeuvring**

*See Traffic Engineers Comments*

## **CONCLUSION**

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

### Planning comment:

The recommended conditions have been incorporated within the Recommendations section of this report.

## **Catchment Management Unit**

The development application was referred to Council's Catchment Unit since the subject site was flood prone. The issues raised included the overflow of flood waters through the site and the impact of the Arts plan on the flood waters. These issues have been considered in depth by Council's Development Engineer and conditions recommended. The main issue raised by Catchment management was in regards to the overflow through the site. Pre and post development flood storage is to be beneath the building and the calculations submitted by the applicant have been considered.

The arts plan would also need to comply with the flood/hydraulic performance requirements. The western elevation of the building has incorporated aluminium flood relief louvers. The public art feature wall to the eastern elevation would be on hinged panels to operate as flood gates.

### Planning comment:

The recommended conditions have been incorporated within the Recommendations section of this report.

## **Tree Preservation and Landscape Officer**

The application was referred to Council's Tree Preservation and Landscape Officer. On 30 March 2012, the officer provided comments supporting the proposed development along with conditions of consent. The comments are reproduced below;

"Arboricultural Impact Assessment: Prepared by Urban Tree Management. 9 November, 2010

Landscape Plans: Prepared by Vision Dynamics. Drawing No. 10176DA1/3 2/3 Revision E dated 1/2/2012 and 3/3 Revision D dated 2/10/2011

## **DISCUSSION**

### ***Issues Impact on Site Trees***

1. Trees to be removed are:

Tree No	Name	Common Name	Location	Condition/ Height	Reason
3	<i>Eucalyptus saligna</i>	Sydney Blue Gum	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010	Good/14m	This tree is described as having no special ecological or heritage significance and is not considered feasible to retain in this instance due to the extent of site development and position of trees within the site.
4	<i>Eucalyptus botryoides</i>	Southern Mahogany	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010	Fair/9m	This tree is described as having no special ecological or heritage significance and is not considered feasible to retain in this instance due

					to the extent of site development and position of trees within the site.
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### **Impact on adjoining trees**

The re-design of the building along the southern boundary has reduced the impact upon the canopy of the existing fig trees located within the adjoining property, together with the setbacks provided for root protection the overall impact is considered acceptable.

### **Landscape**

The proposed landscape plan is considered satisfactory and should be included within the stamped documentation.

## **RECOMMENDED CONDITIONS**

- LA01 Tree Retention**  
2. Trees to be retained are:

Tree No	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
1	<i>Phoenix canariensis</i>	Canary Island Date Palm	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010	950	2.8
2	<i>Araucaria cunninghamii</i>	Hoop Pine	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010	260	2.1
5	<i>Bauhinia variegata</i>	Orchid Tree	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010	200	2

6	<i>Araucaria cunninghamii</i>	Hoop Pine	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010	200	2
7	<i>Ficus macrocarpa var.hillii</i>	Hills Weeping Fig	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010	500	4.2
8	<i>Ficus macrocarpa var.hillii</i>	Hills Weeping Fig	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010	720	6

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

#### LA02 Tree Removal

### 3. Trees to be removed are:

Tree No	Name	Common Name	Location
3	<i>Eucalyptus saligna</i>	Sydney Blue Gum	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010
4	<i>Eucalyptus botryoides</i>	Southern Mahogany	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010

#### Planning comment:

There are two trees proposed for removal and as per assessment above are of no significant value and can be removed. The other relevant conditions have been included in the Recommendation section of this report.

## PUBLIC CONSULTATION

In accordance with Council's Notification DCP, owners and occupiers of surrounding properties were given notice of the application for a 30 day period between 19 January 2011 and 19 February 2011. In response, three submissions were received. The issues raised within those submissions are addressed below.

### 1. Confidential submission

#### Parking issues:

The submissions have raised the issue that the parking provided on site is insufficient to provide for the three commercial tenancies and the construction activity would cause problems for neighbouring residents and occupants of the hotel rooms.

Planning comment:

The proposed development provides for 79 car spaces (including disabled, motorcycle and car wash) and complies with the requirements of the controls and is acceptable.

## 2. Planning consultant on behalf of Owners of 18-40 Anderson Street

### Design Excellence

The proposed development has scant attention to detail in regards to both the southern elevation to Anderson Street and northern elevation to Parkes Street and therefore the proposal does not meet the aims and objectives of SEPP 65 – Design Quality of Residential Flat Development. The impact on the street scape for international visitors to the hotels.

Planning comment:

The design issues have been extensively discussed by the Design Review Panel at least three times and have been reviewed. The finalised design is considered acceptable.

### Impact on quality and amenity of the public domain

It is claimed that the proposed development will not improve the quality and amenity of public domain.

Planning comment:

The issues regarding the quality and amenity of public domain was also examined by the Design Review Panel and found to be acceptable.

### Impact on View corridors

It is claimed that the proposed development will detrimentally impact on view corridor from the western end of Parkes street to Jubilee Park in the east.

Planning comment:

The subject site is not identified in the development control plan to be within or in a view corridor and therefore the issue is not considered as significant.

### Overshadowing impact

The submission claims that the building will reduce solar access to the hotel.

Planning comment:

The shadow diagrams provided indicate that some overshadowing would occur on the building from the proposed development, however the impact will most likely be on the windows that service corridors of each floor of the hotel building and therefore not habitable spaces. The overshadowing is considered to be acceptable.

#### Driveway compliance to Australian Standards

The submission claims that the driveway would not comply with Australian standards

Planning comment:

Council's Traffic engineer has assessed the application and is satisfied with the proposed development.

#### Public Art

The submission claims the Public Art proposed is not appropriately designed.

Planning comments:

Amended Arts Plan has been submitted and reviewed by Council's Project Officer and is considered to be appropriate subject to conditions of consent.

#### Design verification statement:

The submission claims that the matter of external certification of design by iDraft rather than an in house supervision is contrary to the principals of SEPP 65 and has not been explained.

Planning comment:

The application was assessed three times by Council's Design Review Panel and no objections have been raised to the certification since it by a Registered Architect.

#### Lack of deep soil landscaping:

The submission claims that the proposed development has a shortfall of deep soil requirements and therefore would not satisfy the requirements.

Planning comment:

The deep soil areas have been provided at the roof top common open space and to the south –eastern corner of the site and are considered being adequate for the site, it complies with the requirement of SEPP 65. The development control plan requires 15% of the site to be deep soil area and 11% has been provided for and detailed elsewhere in the report.

#### Disabled access:

The submission claims that the proposed development is not suitable for access or occupation by disabled persons.

Planning comment:

The issue has been looked at by Design Review Panel and is seen to meet the requirements. Further conditions of consent for compliance with Australian standards have been included in the recommendations section of this report. On the basis of recommendations of the Design Review Panel, the entry corridors have been enlarged and access to the lift is less convoluted.

#### Levels between basement and ground floor level excessive

The submission states that the levels between the ground floor and basement are excessive with a difference of 4.8m.

Planning comment:

The design of the building and its related issues has been assessed by the Design Review Panel and no objections have been raised to the same.

#### Safety and Security:

The submissions raise the issue of security and safety of design given the convoluted passageways and garbage areas and storage rooms.

Planning comment:

The issue has been discussed in detail by Council's Design Review Panel and amendments have been carried out to provide for adequate safety and security for the building.

#### Single aspect Units

It is claimed that many of the units will have single aspect and therefore not acceptable.

Planning comment:

It is true that many of the units will have a single unit aspect especially the ones facing south east and south west. However given the orientation of the site in the north –south direction, it is inevitable that some of the units will have this issue. However effort has been made to provide for balconies to these units which are so orientated to provide for some solar access.

#### Common Roof terrace:

The submission claims it is a design failure because of its rigid and monotonous/boring lines.

Planning comment:

The roof top garden has been assessed by Council's Design Review Panel and supported.



### Separate Garbage

It is suggested that the development should have separate waste bins for commercial and residential portions.

Planning comment:

A condition of consent is included in the recommendations section of this report to provide for adequate garbage facilities.

### Building separation

It is claimed that there is nil setback from the immediate property to the south and would impact on the trees in the neighbouring property.

Planning comment:

The nil setback is essentially to the south western corner of the subject site where the basement driveway commences. A setback of 3 m is provided to the south eastern end, where the large trees are present. The building is setback appropriately and acceptable.

## 3. Management of Clarion Hotel, Mantra Hotel and Iris Hotel Group

### Noise

The submission requests that the noise generated be controlled and reduced.

Planning comment:

A condition of consent has been included in the Recommendation section of this report

### Hours of operation:

The submission requests the hours of operation for the construction are controlled.

Planning comment:

A condition of consent has been included in the Recommendation section of this report stipulating the construction hours as per standard condition.

### Construction Management Plan:

The submission requests a construction management plan be submitted.

Planning comment:

A recommended condition of consent has been included in the Recommendation section of this report.

## **Amended Plans**

**Yes**

## **Summary of amendments**

**Yes**

The amended plans included reduction of the 6 storey structure to a 5 storey structure, with an Arts Plan incorporated.

**Amended Plans re-advertised or re notified****Yes**

The application was renotified for a period of 30 days from 24 August 2011 and 25 September 2011. One submission was received and the issues raised have been addressed in the previous paragraph.

<b>ENVIRONMENTAL PLANNING INSTRUMENTS</b>
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**STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND**

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

**STATE ENVIRONMENTAL PLANNING POLICY – BASIX**

The application for residential component of the mixed use building 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 have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled.

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

The site is located within the designated hydrological catchment of Sydney Harbour and is subject to the provisions of the above SREP.

The Sydney Harbour Catchment Planning Principles must be considered and where possible achieved in the carrying out of development within the catchment. The key relevant principles include:

- protect and improve hydrological, ecological and geomorphologic processes;
- consider cumulative impacts of development within the catchment;
- improve water quality of urban runoff and reduce quantity and frequency of urban run-off; and
- protect and rehabilitate riparian corridors and remnant vegetation.

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained with the deemed SEPP.

## URBAN RENEWAL STATE ENVIRONMENTAL PLANNING POLICY (SEPP)

On 15 December 2010, the NSW Government published the Urban Renewal State Environmental Planning Policy (SEPP). The Urban Renewal SEPP outlines the necessary criteria and steps for identifying an existing urban precinct as a potential candidate for renewal and revitalisation. The first three precincts identified under the SEPP are Redfern-Waterloo, Granville town centre and the Newcastle CBD.

The key principle of the SEPP is to integrate land use planning with existing or planned infrastructure to create revitalised local communities, greater access to public transport and a broader range of housing and employment options. This is also sometimes referred to as transit oriented development.

The subject site falls under the Granville Potential Precinct Map. In accordance with Clause 10 of the SEPP, the proposed development is consistent with the objective of developing the potential precinct for the purposes of urban renewal as the proposed development is unlikely to restrict or prevent the following:

- (a) development of the potential precinct for higher density housing or commercial or mixed development,
- (b) the future amalgamation of sites for the purpose of any such development within the potential precinct,
- (c) access to, or development of, infrastructure, other facilities and public domain areas associated with existing and future public transport in the potential precinct.

## STATE ENVIRONMENTAL PLANNING POLICY (Infrastructure) 2007

The provisions of clauses 45, 101 and 102 of the SEPP have been considered in the assessment of this application.

### 45 Determination of development applications—other development

*(1) This clause applies to a development application (or an application for modification of consent) for development comprising or involving any of the following:*

*(a) the penetration of ground within 2m of an underground electricity power line or an electricity distribution pole or within 10m of any part of an electricity tower,*

*(b) development carried out:*

*(i) within or immediately adjacent to an easement for electricity purposes (whether or not the electricity infrastructure exists), or*

*(ii) immediately adjacent to an electricity substation, or*

*(iii) within 5m of an exposed overhead electricity power line,*

*© installation of a swimming pool any part of which is:*

*(i) within 30m of a structure supporting an overhead electricity transmission line, measured horizontally from the top of the pool to the bottom of the structure at ground level, or*

*(ii) within 5m of an overhead electricity power line, measured vertically upwards from the top of the pool,*

*(d) development involving or requiring the placement of power lines underground, unless an agreement with respect to the placement underground of power lines is in force between the electricity supply authority and the council for the land concerned.*

*(2) Before determining a development application (or an application for modification of a consent) for development to which this clause applies, the consent authority must:*

*(a) give written notice to the electricity supply authority for the area in which the development is to be carried out, inviting comments about potential safety risks, and*

*(b) take into consideration any response to the notice that is received within 21 days after the notice is given.*

The proposed development is not adjacent to any electrical substation or power lines. The proposal is therefore considered acceptable.

#### *101 Development with frontage to classified road*

*(1) The objectives of this clause are:*

*(a) to ensure that new development does not compromise the effective and ongoing operation and function of classified roads, and*

*(b) to prevent or reduce the potential impact of traffic noise and vehicle emission on development adjacent to classified roads.*

*(2) The consent authority must not grant consent to development on land that has a frontage to a classified road unless it is satisfied that:*

*(a) where practicable, vehicular access to the land is provided by a road other than the classified road, and*

*(b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:*

*(i) the design of the vehicular access to the land, or*

*(ii) the emission of smoke or dust from the development, or*

*(c) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and*

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

The application is not subject to clause 101 of the SEPP as the site does not have frontage to a Regional road. An assessment of the traffic requirements has been carried out and considered acceptable by Council's Traffic Engineer. Refer to Traffic Engineer's comments.

#### *102 Impact of road noise or vibration on non-road development*

*(1) This clause applies to development for any of the following purposes that is on land in or adjacent to the road corridor for a freeway, a tollway or a transitway or any other road with an annual average daily traffic volume of more than 40,000*

vehicles (based on the traffic volume data published on the website of the RTA) and that the consent authority considers is likely to be adversely affected by road noise or vibration:

(a) a building for residential use,

(b) a place of public worship,

© 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 pm and 7 am,

(b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

(4) In this clause, **freeway**, **tollway** and **transitway** have the same meanings as they have in the Roads Act 1993.

The application is not subject to clause 102 of the SEPP as the average daily traffic volume of Parkes Street is less than 40,000(27873-AADT 2005) vehicles. However an Acoustic Assessment report has been submitted and its recommendations are included in the recommended conditions of consent.

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

The 10 Design quality principles envisaged under the SEPP have been assessed as below;

### Principle 1: Context

Context can be defined as the key natural and built features of an area. Responding to a context involves identifying the desirable elements of a location's current character or, the desired future character as stated in planning and design policies. In this context the proposed four storeys residential flat building is at the cross roads of Anderson Street and Parkes Street.

The subject site is zoned Mixed use B4 under PCCLEP 2007, and mixed use buildings are permitted with consent. The maximum building height for the subject site is 18m.

The immediate neighbouring sites to the west, and south are zoned B5 Business Development and the sites to the North are zoned B4 Mixed use. The site adjacent to the East is Jubilee Park. To the north east of the site are sites zoned B3 Commercial core. The buildings to the north and north east are mostly four- five storey commercial buildings. To the south is a seven storey five star hotel. To the west is a two storey pub.

The proposed five storeys mixed use building with basement car park is appropriate and well within the context of existing and future developments in the neighbourhood given that the site is zoned B4 Mixed use with a maximum height of 18 m.

### **Principle 2: Scale**

Good design provides an appropriate scale in terms of the bulk and height that suits the scale of the street and the surrounding buildings. In the current context, the proposed five storeys mixed use building is similar to the immediate neighbouring buildings towards the northern side of Parkes Street and to the South on Anderson Street, which is mostly four to five storeys mixed use buildings with basement car parking. Given that the building is proposed in a specific zoning that allows for a mixed use building development, the proposed buildings bulk and scale is appropriate in achieving the scale existing and identified for desired future character of the area. The height map for the area under the PCCLEP 2007 identifies the maximum height to be 18 m and the proposed five storey building is well within that limit and is acceptable.

### **Principle 3: Built form**

Appropriate built form defines the public domain, contributes to the character of streetscapes and parks, including their views and vistas, and provides internal amenity and outlook. The proposed development is located on a site which is at the cross roads of Parkes Street and Anderson Street. The proposed building has been designed to fit into the site which is bounded to the west by Anderson Street and to the east by Jubilee Park. The public domain is therefore more expressed towards the Northern to north western side and the eastern side facing the park. The dwellings proposed satisfy the amenity requirements and have been described later in the report.

### **Principle 4: Density**

Good design has a density appropriate for the site and its context, in terms of the number of units or residents. Appropriate densities are sustainable and consistent with the existing density in an area or, in precincts undergoing a transition are consistent with the stated desired future density. The subject site is located at the cross roads of Parkes street and Anderson Street , which is at a distance of less than 600m from Parramatta Railway Station and Transport Interchange to the north and less than 200m from the Great Western Highway to the west which is a major arterial road. The subject site is currently zoned B4 Mixed Use and immediate surrounding sites to the west and south B5 Business development and to the north east B3 Commercial core. The subject site zoning allows for multi storey mixed use developments to a height of 18m. The floor space ratio permissible for the site is 4:1 (PCCLEP2007) and the proposed development has a Floor Space Ratio of 2.86:1. The proposed development satisfies the sustainable density requirements and is therefore considered acceptable.

### **Principle 5: Resource, energy and water efficiency**

Good design makes efficient use of natural resources, energy and water throughout its full life cycle, including construction. A BASIX certificate which seeks to incorporate energy efficiency measures has been proposed. The layout and built form given the north south orientation of the site is to maximise the solar access from

the north for majority of the units. The proposed development is considered to be acceptable.

#### **Principle 6: Landscape**

The landscape design builds on the site's natural and cultural features and enhances the development's natural environmental performance by co-ordinating solar access, microclimate, and tree canopy and habitat values. The proposed development has provided for landscaping, majority of which is limited to the southern and eastern boundary wherein the impact with the park and hotel premises to the south would be substantially reduced. A roof top common open space with landscaping is also proposed. The proposed development is acceptable subject to the conditions of consent.

#### **Principle 7: Amenity**

Optimising amenity requires appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, efficient layouts and service areas, outlook and ease of access for all age groups and degrees of mobility

The proposed Mixed Use Building complies with the appropriate room dimensions, access to sunlight, natural ventilation, and visual and acoustic privacy, and storage, indoor and outdoor spaces. It has appropriate access for all age groups and degrees of mobility. Appropriate storage areas have also been provided for. The proposed development in its entirety is acceptable.

#### **Principle 8: Safety and security**

This is achieved by maximising overlooking of public and communal spaces while maintaining internal privacy, avoiding dark and non-visible areas, maximising activity on streets, providing clear, safe access points, providing quality public spaces that cater for desired recreational uses, providing lighting appropriate to the location and desired activities, and clear definition between public and private spaces.

The proposed development is at the cross roads of Parkes street and Anderson Street and therefore fronts Parkes Street and a curved frontage to Anderson Street. The entry to the building is clearly visible from the street, since the building has been designed to fit into the dual curved frontage. There are plenty of opportunities for passive surveillance from the balconies and windows of the units in the building. The proposed residential units maximises the overlooking into public and communal spaces provided within the building and also continues to ensure privacy. The area to the south and eastern boundary has the common area space. The proposed application is considered to be acceptable.

#### **Principle 9: Social dimensions and housing affordability**

New developments should optimise the provision of housing to suit the social mix and needs in the neighbourhood, by providing a mix of housing types to cater for different budgets and housing needs. The proposed development contains 4x1 bedroom, 9x2 bedroom and 1x3 bedroom units on Level 1 to Level 4. Of these three are adaptable units. On the whole the proposed development provides for an optimum mix of housing types to cater for different budgets and housing needs.

**Principle 10: Aesthetics**

Aesthetics of the building should respond to the environment and context, particularly to desirable elements of the existing streetscape or contribute to the desired future character of the area. The proposed mixed use building is a five storey structure with a basement car park. The building has been designed with appropriate building articulation. The materials used in the structure also seem aesthetically pleasing and the proposal is acceptable.

RESIDENTIAL FLAT DESIGN CODE			
PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Building Depth	Depth should be between 10-18m	32 metres	No. The building has been designed in the context of the site setbacks required from the eastern boundary and southern boundary and is acceptable. The building has been designed to address two street frontages and has taken into consideration the site constraints including retention of mature trees in the immediate southern boundary. This is keeping in view that the permissible floor space ratio of 4:1 was not achieved and a FSR of 2.86:1 is proposed.
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys)	Habitable rooms are separated by more than 12 m from the north and southern boundaries where	Yes



		there are habitable buildings.	
Storage	1 bedroom 6m <sup>3</sup> 2 bedroom 6m <sup>3</sup> 3 bedroom 8m <sup>3</sup>	Storage is provided in the basement.	Yes
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All apartments have balconies with a minimum depth of 2m	Yes
Residential Ceiling heights	Minimum 2.7m	Minimum 2.7m	Yes
Min. Apartment size	1 bedroom 50m <sup>2</sup> 2 bedroom 70m <sup>2</sup> 3 bedroom 90m <sup>2</sup>	1 bedroom unit 63m <sup>2</sup> 2 bedroom units between 78 and 108m <sup>2</sup> 3 bedroom 107m <sup>2</sup>	Yes
Open Space	The area of communal open space should be between 25-30% of the site area (25%=504m <sup>2</sup> ).	437m <sup>2</sup> ( roof top)+ 140m <sup>2</sup> ( south-eastern side) = 576m <sup>2</sup>	Yes
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone(126m <sup>2</sup> )	Required -126m <sup>2</sup> Provided =173m <sup>2</sup> ( roof top) + 37.294m <sup>2</sup> (south - eastern end) =210.294m <sup>2</sup>	Yes, it is essentially confined to the roof top.
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	A maximum of 6 apartments are accessed per core.	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	Most of the units face north and east with some units facing the west and south. The units facing the south would also have loss of sunlight due to an existing large tree which is proposed to be retained.	Yes. There are three units on each floor which are facing south and would have some impact.
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	12 units have single aspect .  Units 1,2 and 14- Level 1 Units 15,16 and 28- Level 2 Units 29, 30 and 42-	No, however given the orientation of the site in the north south direction, these units would be impacted, but

		Level 3 Units 43, 44 and 56- Level 4	there is solar access during most hours of the day.
Natural ventilation	60% of units should be naturally cross ventilated	100%	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation	20 units have windows	yes
Natural ventilation	The back of a kitchen should be no more than 8m from a window	Maximum 6 metres.	yes

The Design Review Panel meeting on 15 December 2010 and on 16 March 2011 examined the proposal and provided recommendations. The Design Review Panel at it latest meeting on 19 October 2011 made the following comments in relation to the project:

"

1. *Whilst the two entry lobbies to Parkes Street are a considerable improvement on the previous scheme, the Panel considers that the western lobby is too small and should be increased. If the front entry steps be aligned parallel to the street and commence to rise on the boundary, the size of the lobby can then be increased by shifting the facade northwards.*

#### Applicants response

Lobby entrance to the residential apartments and ground floor have been widened.

Planning comment:

The amended plans indicate widening of the lobby entrances and are acceptable.

2. *The faceted glass shopfront on the north-west corner could be improved by using curved glass, thereby emphasising the rather dramatic curved corner.*

#### Applicants response

The recommendations accepted and changes made.

Planning comment

The changes proposed are acceptable.

3. *The landscape plan at the south-east corner of the ground floor needs to indicate the section of unit 14 which overhangs this planting bed. This would inform the type of plant material suitable below the overhanging built form.*

Applicants response

An amended landscape plan has been provided.

Planning comment

The amended landscape plan is acceptable.

4. *The Panel suggests that the right-angle, formed by the lobby to the western lift and the passageway, on levels 1 to 4, be curved to give a better sense of continuity between the passage and the lobby.*

Applicants response

The recommendations accepted and changes made in the form of widening the lobby and providing a curvilinear form.

Planning comment

The changes proposed are acceptable.

5. a. *The following comments apply to units 2, 16, 30 and 44 on the west and units 13, 27, 41 and 55 on the east.*

*The Panel recommends that the north facing highlight windows to the kitchen galleries be replaced by strip windows acting as a splashback at kitchen bench top level.*

- b. *In order to allow northern sun to penetrate the balconies of the above units, the proponent is advised that openings be provided to the northern blade walls of the balconies.*

- c. *Also, for the above units it is suggested that a short external blade wall, as a continuation of the dividing wall between the bedroom and the next unit to the north, would help improve the level of privacy between the two units.*

Applicants response

New windows have been inserted between bench tops and overhead cupboards in the kitchens of apartments 2,4, 13,16, 18 and 27.

Changes to balustrades from solid masonry to a glazed treatment and the deletion of blade walls and their replacement with low solid balustrades to allow greater sunlight access to balconies and apartment living areas.

Planning comment

The proposed modifications are acceptable.

6. *The following comment applies to units 3, 17, 31 and 45 to the west and units 11, 12, 25, 26, 39, 40, 53 and 54 to the east.*

*The Panel suggests that the internal dividing wall between the southern bedroom and the living / dining room be shortened so as to add valuable space to the living areas. This wall however should extend approximately 1000mm to provide for privacy to the bedroom.*

Applicants response

Changes adopted.

Planning comment

The proposed changes are acceptable.

7. a. *For units 4, 18, 32 and 46, the Panel suggest that the kitchen bench could be extended eastwards.*
- b. *The perspective shows the kitchen windows as highlights to the above units. If this is the case it is suggested that these north facing windows be replaced by strip windows acting as a splashback at kitchen bench top level.*
- c. *The Panel suggests that highlight windows to the bathrooms and laundry for the above units be provided.*

Applicants response

New windows have been inserted between bench tops and overhead cupboards in the kitchens. New north facing windows to laundry and bathrooms in apartments 4 ,18, 32 and 46.

Planning comment:

The proposed changes are acceptable.

8. *The Panel advises the proponent that for units 14, 28, 42 and 56 that the balconies should have their balconies facing east, as a full width extension of the living / dining areas. This will allow a greater level of sun penetration from the east. The Panel suggests that a wider balcony "logia" style, taken to the eastern wall, be investigated. This would allow north-eastern sun penetration.*

Applicants response

Balconies on units 14, 28, 42 and 56 have been reoriented to allow greater penetration of northern sunlight.

Planning comment

The proposed changes are acceptable.

9. *The proposed Alucobond and white joint cladding detail shown on the perspective view needs to be shown on the elevations as well.*

Applicants response

The features have been incorporated in the elevations.

Planning comment

The proposed changes have been incorporated.

10. *The panel suggests deleting the common open space on level 1 above the waste room as this will create privacy issues with the adjacent south facing units.*

Applicants response

The changes have been incorporated and a concrete roof added.

Planning comment

The changes are acceptable.

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

Planning comment:

The applicants have modified and incorporated changes to the design of the building in accordance with the recommendations of the Design Review Panel and are acceptable.

## **PARRAMATTA CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2007**

Parramatta City Centre Local Environmental Plan 2007 was gazetted on 21 December 2007. The relevant sections as they relate to the proposed development are addressed as follows:

### **Aims and Objectives**

The proposed development is consistent with the aims and objectives of the B4 Mixed Use zoning applying to the land. The proposal provides a mixture of compatible land use, integrates suitable business and residential activities in accessible locations to maximise the use of public transport, creates opportunities to improve the public domain and supports the higher order Commercial Core Zone.

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

(a) General Requirements

<b><i>Development standard</i></b>	<b>Comment</b>	<b>Discussion</b>
CI 12 Permissible within zone?	Yes	B4 Mixed use
CI 21 Height of buildings	Permissible -18m	17m,complies
CI.21 A Architectural roof features	The roof has a lift overrun which would not comply with the requirements of the clause and will go beyond the acceptable height of 18 m	The applicant has been advised to integrate the lift over run into the roof feature and the amended Plans will be provided to JRPP prior to the meeting.
CI 22 Floor space ratio	Permissible= 4:1 Site area =2016m <sup>2</sup>	Ground floor = 937m <sup>2</sup> 1, 2 , 3 and 4 floor = 1208x4m <sup>2</sup> Total= 5769m <sup>2</sup> FSR= 2.86:1
CI 22A Minimum building street frontage	Required- 20m or more for B4 zoned land	Yes, 54.575 m

<p>Cl.22B Design Excellence requires the consent authority to consider whether the proposal exhibits design excellence.</p>	<p>it is considered that the proposal presents a high standard of design, materials and detailing having been achieved as a result of a lengthy design process including the Design Review Panel assessment. The development will improve the streetscape and quality of the public domain with new perimeter paving, facade treatment and entry artworks.</p>	<p>The design of the building has been reviewed thrice by Council's Design Review Panel and all the recommendations included in the amended drawings. The subject site is suitable for a mixed use development and has an appropriate mix of commercial and residential uses. The bulk , massing and modulation of the building is much less than the immediate dwellings in the neighbourhood. Street frontage heights are appropriate for the site. The proposed building is much smaller compared to the adjacent hotel to the rear of the site.</p>
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CI 22C Car parking	<p>The proposed development requires to provide the following;</p> <ul style="list-style-type: none"><li>▪ Residential component for 1, 2 and 3 bedroom units (56 Units) – 1 space per dwelling for residents + 1 space per 5 dwellings for visitors = 67.2 (67) spaces (including 11 spaces for visitors)</li><li>▪ Commercial component - 1 space per 100m<sup>2</sup> GFA (1,028m<sup>2</sup> GFA) = 10.28 (11) spaces Total = 78 parking spaces maximum</li></ul>	<p>The proposed development provides a total of 78 parking spaces on-site (36 spaces on the upper basement level of which 24 spaces - residential, 10 spaces - commercial, 1 small car space and 1 car wash space; and 42 spaces in the lower basement level of which 41 spaces – residential, 1 space - small car) plus 1 space for a motorcycle and 1 loading bay for a small rigid truck on the ground floor. Accordingly the total number of parking spaces provided on site complies with Council's City Centre LEP 2007 (Amendment 4)</p>												
<p>CI 22 D Building Separation</p> <table><tr><td>0-36m height setback</td><td>Nil</td><td>to</td><td>6m</td></tr><tr><td>36m – 54m setback</td><td>9m</td><td></td><td>(min)</td></tr><tr><td>54m – 72m</td><td></td><td></td><td>12m (m)</td></tr></table>	0-36m height setback	Nil	to	6m	36m – 54m setback	9m		(min)	54m – 72m			12m (m)	<p>The proposed development has a setback of 3 m to the eastern boundary and a 5.4 m setback to the south eastern corner of the site.</p>	<p>The proposal complies with the requirements of the clause.</p> <p>It is noted that the eastern boundary is adjacent to a public park and the western side fronts Anderson Street., which has a nil set back.</p>
0-36m height setback	Nil	to	6m											
36m – 54m setback	9m		(min)											
54m – 72m			12m (m)											



CI 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. The proposal provides an adequate waste management plan and complies with Council's maximum parking provision to reduce the need for car dependency.	Yes, the proposal complies with the requirements of the clause.
CI 29 E – Sun access	Clause 29E protects solar access in the vicinity of Jubilee Park and relates to the sun access plane controls in the development control plans.	The proposed development does not create any overshadowing to the park and is acceptable.
CI.33 A Development on Flood Prone Land	Clause 33A requires the consent authority to consider development on flood prone land.	The subject site is identified as being flood affected and a Flood Warning Evacuation and Management Plan has been prepared for the site and the Council's Catchment Management Unit have assessed the application and Council's Development Engineer has recommended conditions for inclusion in the consent.

CI 33 B Acid Sulphate Soils	Clause 33B requires the consent authority ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.	The site is identified as containing class 5 Acid Sulfate Soil. In accordance with the LEP table, an Acid Sulfate Soils Management plan is not required to be prepared.
Cl. 34 Tree preservation	Clause 34 seeks to preserve the amenity of the area through the preservation of trees and other vegetation.	The site does not contain any significant trees or vegetation worthy of retention.
Cl. 35 (6) Heritage , Archaeological and aboriginal heritage significance	<p>The subject site is not identified as a heritage item. The site is not listed as being of local significance with any no archaeological research potential.</p> <p>The site is identified as having low sensitivity under the Aboriginal Pleistocene Study.</p> <p>As the site is only of low sensitivity, local Aboriginal communities were not notified.</p>	Complies
CI 35 (A) Historic View Corridors	Clause 35A requires the consent authority to consider the impact that the development may have on any historic view corridor identified within the LEP2007.	The subject site is not located within an identified historic view corridor.

## DEVELOPMENT CONTROL PLANS

### Parramatta City Centre Plan Development Control Plan

The relevant sections of Parramatta City Centre DCP 2007 as they relate to the proposed development are addressed as follows:

#### PARRAMATTA CITY CENTRE DEVELOPMENT CONTROL PLAN 2007

Development Control	Proposal	Compliance
<b>Building form</b>  Building to street alignment and street setbacks	The proposal is for a five storey mixed use development with commercial tenancies on the ground floor. It has a nil setback to Parkes street and Anderson Street	Yes
Street frontage heights The DCP requires the proposed development to have a Building Type A street frontage height (being a nil setback to the street for the initial 18m-22m height of the building, then setback 6m-10m to the street beyond that height). The proposal complies with this requirement.	The proposal is for a five storey mixed use development with commercial tenancies on the ground floor. The overall height of the building is less than 18 m and therefore the nil setbacks are appropriate	Yes
<b>Building Separation</b>  Minimum side and rear boundary setback is 3m for a height of 24m. Figure 2.14	The proposal is for a five storey mixed use development with commercial tenancies on the ground floor with a setback of 3 m to the eastern boundary and the rear boundary has a partial setback of 5 m while the basement driveway access is on the rear boundary	Yes.
<b>Deep Soil Zone</b> The DCP requires 15% of the site to be deep soil zone, being approximately 302m <sup>2</sup> .	The proposal provides for 173m <sup>2</sup> ( roof top) + 37.294m <sup>2</sup> (south –eastern end) =210.294m <sup>2</sup> of deep soil. This represents approximately 11% of the site area and does not comply with Council's requirements. The minor non-compliance is considered acceptable given sufficient landscaping is provided to enable a satisfactory outdoor area for the visual and physical enjoyment of the future	A minor non-compliance which is acceptable.



	Recommendations section of this report.	
<u>Building Exteriors</u>	<p>The building contributes positively to the streetscape by providing quality and robust materials and finishes, including the following:</p> <p>The proposed finishes include Face brick –PGH Aluminium brick, white matt finish to the levels above with Lime green render to the balcony pillars with white matt finish louvers. The ground floor fascia to be of Alcobond black finish with white separation infills.</p> <p>These issues were addressed in the Design review Panel recommendations</p>	Yes
<u>Access , Parking and servicing</u> <u>Pedestrian Access and Mobility</u>	<p>The entries off Parkes Street and Anderson Street provide access to the premises without requiring a pedestrian to traverse any steps. Two lifts provide access to all levels of the building. The development satisfies the requirements of the DCP.</p>	Yes
<u>Vehicular Driveways and</u> <u>Manoeuvring Areas</u>	<p>The development provides suitable access into the car parking area, of a suitable width and with sufficient space for vehicles to be able to enter the site appropriately.</p> <p>Council's Traffic &amp; Transportation Investigation Engineer has reviewed the proposed development and is satisfied with the proposed arrangement for parking, subject to the conditions included in the</p>	



	<p>of a previous land use that may have caused contamination and there is no evidence that indicates that the site is contaminated.</p> <p>An adequate erosion and sediment control plan was submitted with the application.</p> <p>The application provides for adequate stormwater management and will not impact upon the flood liability of any nearby properties. The site is identified as being flood affected and subject to recommended conditions in the Recommendations section of this report.</p>	
<p><b>Residential Development Controls</b></p> <p><u>Housing Choice, Affordability &amp; Mix</u></p> <p>1 bedroom- min 10% max 25%</p> <p>2 bedroom – max 75%</p> <p>3 bedroom – min 10%</p>	<p>28%</p> <p>68%</p> <p>7%</p>	<p>The minor non-compliance is considered acceptable as it involves the provision of 1 x 3 bedroom units only. It is unlikely that this non-compliance will have significant impacts upon housing choice within the City Centre.</p> <p>Three (3) adaptable units have been provided as part of the development, representing over 5% of the entire</p>

		<p>residential component, which complies with the requirements of DCP2007. Concern is raised however that all of the adaptable dwellings are identified as Dwelling Type L, which are all one bedroom units. In order to provide equitable housing choice for the population, it is considered that a better unit mix be provided as adaptable dwellings. This requirement is contained as a condition of consent within the Recommendation section of this report.</p> <p>Adequate parking facilities and access for people with disabilities have also been provided.</p>
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<p><u>Noise, Vibration</u></p>	<p>The subject site is located within close proximity to a railway corridor and a main road.</p> <p>An acoustic assessment prepared by RSA Acoustics was submitted with the application to assess the following:</p> <ul style="list-style-type: none"> <li>➤ Impact of external noise intrusion into the development including traffic and rail noise;</li> <li>➤ Australian Standard AS 2107</li> </ul> <p>The report makes a number of recommendations to ensure that the amenity of future occupants of the site is protected from road and rail noise, as well as rail vibration. These recommendations include window and floor treatments and mechanical plant requirements.</p>	<p>Consent conditions requiring compliance with the recommendations of the acoustic report have been incorporated within the Recommendation section of this report.</p>
<p><b>Special Areas</b></p> <p>The subject site is located within a Special Area, namely Jubilee Park. The controls essentially require activation of street edges with multiple pedestrian entries, adaptable ground floor and first floor spaces and ground floor retail particularly on significant corners. The proposed development has multiple entries and appropriate commercial tenancies to the ground floor and complies with the requirements.</p>	<p>The proposal has multiple pedestrian entries and adaptable ground floor spaces. There are commercial tenancies on the ground floor</p>	<p>Yes</p>

## POLICIES

## **PUBLIC DOMAIN GUIDELINES**

The Parramatta Public Domain Guidelines were adopted in August 2011. The objectives for the Parramatta Public Domain Guidelines are to define design principles and provide a standard palette of materials and elements to:

- Establish a clear and consistent public domain image for Parramatta
- Provide clarity in design requirements and construction standards for the public domain
- Facilitate asset management, maintenance and repairs by reducing the number of different elements and requirements
- Uphold required technical, engineering and environmental standards
- Provide equitable access
- Improve the sustainability of Parramatta
- Reinforce the streetscape hierarchy
- Promote pedestrian priority
- Build upon existing public domain treatments and experience.

The Guidelines require the submission of an Alignment Plan at the development stage and the submission of a Public Domain Plan before the construction stage.

### **Alignment Plan and Public Domain Plan**

The application was referred to Council's Civil Assets Unit who considered the plans submitted with the application. In this regard, refer to the comments provided by Civil Assets earlier in the report.

A revised Public Domain Plan and footpath crossing plans incorporating the above requirements is to be submitted to Council before the issue of a Construction Certificate. This is incorporated in the Recommendations section of this report.

### **Arts Plan**

A formal arts plan was submitted with the application. The plan was referred to a specialist in the Council and the comments have been discussed elsewhere in the report.

A condition requiring the submission of a final Arts Plan is incorporated within the Recommendation section of this report.

## ***PARRAMATTA CITY CENTRE – LANES STRATEGY***

The Parramatta City Centre Lanes Strategy does not apply to the proposed development.

## ***PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008***

The proposal does require payment of a 3% levy as S94A development contributions as the value of works does exceed \$250,000. A condition of consent has been included in the Recommendations section of this report.

## **PLANNING AGREEMENTS**

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

## **REGULATIONS**

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

## **LIKELY IMPACTS**

### **Urban Design**

Details of the architectural design and elements of the proposal, and compliance with Council's City Centre LEP and DCP have been discussed within this report. Although there is a minor variation to the street alignment and deep soil requirements of LEP 2007, it is considered that the proposal is suitable for the site and does not adversely impact upon the streetscape or public domain. 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 Design Code.

### **Heritage Impacts**

The subject site is not listed as a heritage item.

### **Landscaping, Tree Removal, Flora and Fauna**

There are no trees greater than 5m tall located within the subject site. The landscape plan submitted has been completed in accordance with Council requirements and has addressed the issues of screening and tree replenishment using a mixture of native plant species.

### **Access, Traffic & Parking**

These matters have been discussed in detail within this report.

### **Disabled Access**

The application provides for access and parking provision for people with disabilities. Three adaptable units have been provided as part of the development, representing over 5% of the entire residential component. Concern is raised however that all of the adaptable dwellings are identified as Dwelling Type L, which are all one bedroom units. In order to provide equitable housing choice for the population, it is considered that a better unit mix be provided as adaptable dwellings. Increasing housing mix and details of compliance with AS1428 will need to be demonstrated prior to the issue of a Construction Certificate.

### **Utilities/Infrastructure**

The proposed use will not adversely impact existing utilities or public infrastructure. Notwithstanding this, conditions will be imposed requiring the developer to consult with utility providers as to the requirements for this development. A condition of consent has been recommended for provision of details of location of any substation if required.

#### **Building Code of Australia**

All building work associated with the proposal shall be carried out in accordance with the provisions of the Building Code of Australia. A condition will be imposed to ensure such compliance.

#### **Impacts during Construction**

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.

#### **Security by Design**

The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The commercial components along Parkes Street and Anderson Street and location of habitable windows and balconies facing the street on assists in activating the street and providing natural surveillance.

#### **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.

#### **Social & Economic Impact**

The proposed development is not expected to have an adverse social or economic impact.

#### **ESD & The Cumulative Impact:**

The development satisfactorily responds to ESD principals. The proposal is not expected to have any cumulative impacts. The proposal is not considered to inhibit the ability of future generations to use or further develop the subject site. A waste management plan has been submitted and is considered to be acceptable.

#### **Subdivision**

The application does not seek approval for subdivision.

### **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**

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

The proposed development is not contrary to the public interest.

## Conclusion

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

## Recommendation

Pursuant to Section 80(1) of the Environmental Planning and Assessment Act, 1979

- (a) **That** the Western Sydney Joint Regional Planning Panel as the consent authority grant development consent to Development Application No. DA/948/2010 for demolition of existing structures and construction of a 5 storey mixed use development containing ground floor commercial tenancies and 56 residential apartments over 2 levels of basement car parking accessed from Anderson Street on land at 5-7 Parkes Street, Parramatta for a period of five (5) years from the date on the Notice of Determination subject to the following conditions:

## General Matters

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

Drawing N <sup>o</sup>	Dated
Site Plan 04.38, Issue G by iDraft	24/01/2012
Lower Basement Plan 05.38, Issue G by i Draft	24/01/2012
Upper Basement Plan 06.38, Issue G by i Draft	24/01/2012
Ground Floor Plan 07.38 , Issue G by i Draft	24/01/2012
Level 1 Floor Plan 08.38 , Issue G by i Draft	24/01/2012
Level 2 Floor Plan 09.38 , Issue G by i Draft	24/01/2012
Level 3 Floor Plan 10.38 , Issue G by i Draft	24/01/2012
Level 4 Floor Plan 11.38 , Issue G by i Draft	24/01/2012
Roof Plan 12.38 , Issue G by i Draft	24/01/2012
North elevation. 13.38 Issue G by i Draft	24/01/2012
South elevation. 14.38 Issue G by i Draft	24/01/2012

Drawing N <sup>o</sup>	Dated
East elevation. 15.38 Issue G by i Draft	24/01/2012
West elevation. 16.38 Issue G by i Draft	24/01/2012
Sections 17.38 and 18.38, Issue G by iDraft	24/01/2012
Streetscape 19.38 , Issue F by iDraft	04/11/2011
Calculations 2.38, Issue F by iDraft	04/11/2011
FSR Calculations 33.38 and 34.38 Issue G by iDraft	24/1/2012
Shadow diagrams 21.38, 22.38 , 23.38 , 24.38, 25.38 , 26.38 , 27.38 and 29.38 Issue G, by iDraft	24/1/2012
Concept Site Stormwater Drainage plan dwg No. 6273-C DA03 Issue E, dated prepared by HKMA	01/11/11
Landscape Plan No. 10176DA1/3 2/3 Revision E and 3/3 Revision D by Vision Dynamics	1/2/2012 and 2/10/2011

Document(s)	Dated
Statement of Environmental Effects by	18/11/2010
BASIX certificate 346095M	10 /10/2010
Acoustic report by RSA Acoustics	21 /09/2010
Quantity Surveyors Report	17 /11/2010
Traffic Assessment Report By Brown Consulting	11/2010
Waste Management Plan	11/2010
Public Art Report	2/11/2011
Concept Flood Warning, Evacuation and Management Plan Revision A by HKMA	2/2011
Arboricultural Impact Assessment Report by Urban Tree Management	9/11/2010

**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.

6. 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.

7. 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.

8. All footings and walls adjacent to a boundary must be set out by a registered surveyor. Prior to commencement of any brickwork or wall construction a surveyor's certificate must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.  
**Reason:** To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.
9. 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.
10. 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.
11. 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.
12. The southern / eastern proposed turf area to be more thickly vegetated /landscaped to strengthen planting in adjacent Jubilee Park and to soften building interface;  
**Reason:** To maintain the amenity of the area.
13. The Lillypilly boundary hedge to utilise more advanced stock to more affectively screen building foundations / wall (e.g. 25lt minimum pot size);  
**Reason:** To maintain the amenity of the area.
14. No access through or storage of materials / equipment is permissible in Jubilee Park reserve.  
**Reason:** To ensure the amenity of the area.
15. An Artist/s to develop site specific artwork/s which is consistent to the proposed themes and treatment areas outlined in the Arts Plan be engaged.  
**Reason:** To ensure compliance with Council's requirements
16. A minimum of 5 dwellings are to be constructed in accordance with the requirements of AS 4299 so as to be adaptable. The adaptable dwellings are to represent a mix of dwelling types including 1 bedroom, 2 bedroom and 3 bedroom dwellings, and provided generally in accordance with the unit mix requirements of Section 6.1 (Control (d)). These details are to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.  
**Reason:** To promote the design of buildings that are adaptable and flexible in design to suit the changing lifecycle housing needs of residents over time in accordance with Section 4.4.3 of PDGP 2005.

17. All roof water and surface water is to be connected to an approved drainage system complying with Council's specifications and policy requirements and generally in accordance with the approved concept site stormwater drainage plan dwg No. 6273-C (DA02 Issue F dated 06/02/12) and (DA03 Issue E, dated 01/11/11) prepared by HKMA Consulting Engineers.

**Reason:** To ensure satisfactory stormwater disposal.

18. 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.

19. Trees to be retained are:

Tree No	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
1	<i>Phoenix canariensis</i>	Canary Island Date Palm	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010	950	2.8
2	<i>Araucaria cunninghamii</i>	Hoop Pine	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010	260	2.1
5	<i>Bauhinia variegata</i>	Orchid Tree	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010	200	2
6	<i>Araucaria cunninghamii</i>	Hoop Pine	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010	200	2
7	<i>Ficus macrocarpa</i> var. <i>hillii</i>	Hills Weeping Fig	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010	500	4.2
8	<i>Ficus macrocarpa</i> var. <i>hillii</i>	Hills Weeping Fig	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010	720	6

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



20. Trees to be removed are:

Tree No	Name	Common Name	Location
3	<i>Eucalyptus saligna</i>	Sydney Blue Gum	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010
4	<i>Eucalyptus botryoides</i>	Southern Mahogany	As Per Appendix H of the Arborist report prepared by UTM 9/11/2010

**Reason:** To facilitate development.

21. 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.

22. 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. All street trees are to be setback 3 m from any driveway and 12 m 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
4x	<i>Tristanopsis laurina</i> (Water Gum)	Parkes Street Road Reserve
1x	<i>Jacaranda mimosifolia</i> (Jacaranda)	Anderson Street road reserve

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

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

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

## Prior to the issue of a Construction Certificate

24. Documentary evidence confirming that satisfactory arrangements have been made with an energy provider for the provision of electricity supply to the development is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate. If a substation is a requirement of the energy provider, it is to be located internal to the building/s on site. Substations cannot be located within the front setback of a site or within the street elevation of the building, unless such a location has been indicated and approved on the Council stamped Development Application plans. Substations cannot be located in Council's road reserve.

**Reason:** To ensure adequate electricity supply to the development and to ensure appropriate streetscape amenity.

25. The site stormwater discharge pipe shall be connected to an existing approved stormwater system.

Prior to the issue of Construction Certificate, a longitudinal section of the proposed underground discharge pipe crossing the footpath strip shall be prepared by the drainage engineer showing levels and clearance of the proposed stormwater pipe from the existing gas pipe and other public utility services within the footpath strip in the road reserve.

The drainage engineer shall ensure that any connection into Council's system is not made against the flow in the pipe/gutter and that any surcharge from the grated pit/s within the site is to be directed to the street with no nuisance to the habitable space.

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

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

- (a) A holding tank capable of storing the run-off from a 100 year ARI - 2 hour duration storm event allowing for pump failure.
- (b) Two pump system (on alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
  - i. The permissible site discharge (PSD) rate; or
  - ii. The rate of inflow for the one hour, 5 year ARI storm event.
- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.

- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.

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

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

27. The building shall be installed with a flood warning alarm system triggered by float switches. A maintenance schedule to test the float switches and alarms every 3 months shall be included in the management plan with details submitted with the application for the Construction Certificate.

**Reason:** To ensure the flood warning system is in working order.

28. Structural certification from a suitably qualified structural engineer should be submitted with the application for a Construction Certificate indicating that all columns, buildings and structures have been designed to withstand inundation, debris and buoyancy forces of floodwater through the site for all storms up to and including the Probable Maximum Flood (PMF) assuming total pipe blockage.

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

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

The engineer shall:

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

30. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standards 2890.1 – 2004 "Off street car parking". Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure that parking spaces are in accordance with the approved development.

31. 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 Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

(a) Construction Management Plan for the Site

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

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

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

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

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

➤ Where applicable, the plan must address the following:

➤ Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,

➤ A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.

➤ Minimising construction related traffic movements during school peak periods,

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

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

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

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

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

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

34. Prior to any works commencing on the driveway crossover and prior to the issue of any Occupation 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 a fee in accordance with Council's adopted 'Fees and Charges' at the time of payment.

**Note 1:** This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway

levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

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

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

35. 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.

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

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

37. The installation of any security roller shutter for the basement car parking area shall not restrict access to any designated visitor car parking space. In the event that the approved visitor car parking spaces are located behind any proposed security roller shutter, an intercom system is required to be installed to enable visitor access into the basement car parking area. This requirement is to be reflected on the Construction Certificate plans and any supporting documentation for the endorsement of the Principal Certifying Authority, prior to the release of the Construction Certificate.

**Reason:** To ensure access to parking spaces for visitors

38. Should any proposed work be undertaken where it is likely to disturb or impact upon a utility installation (e.g. power pole, telecommunications infrastructure, etc) written confirmation from the affected utility provider that they have agreed to the proposed works shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate or any works commencing, whichever comes first. The arrangements and costs associated with any adjustment to a utility installation shall be borne in full by the applicant/developer.

**Reason:** To ensure no unauthorised work to public utility installations and to minimise costs to Council.

39. 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.

40.A Public Domain Plan in accordance with the Parramatta City Council's Public Domain Guidelines is to be submitted to the satisfaction of Council's Supervisor, Civil Assets before the issue of a Construction Certificate.

**Note:** The following matters are required to be considered during the preparation of this plan:

- *The public domain plan will need to reflect recent changes to The City Centre Pavement design as set out in the Public Domain Guide.*
- *All kerb ramps must be relocated and redesigned to comply with the Disability Discrimination Act and the Public Domain Guide.*
- *The Footpath Crossing (driveway) treatment is to comprise 150mm x 150mm Aluvium PPX 544:400D pavers over 200mm concrete slab.*
- *The fall across the footpath (set out from top of kerb) must not exceed 2.5%. Boundary levels to be designed to achieve this requirement.*

**Reason:** To improve the public domain.

41.A revised Alignment Plan in accordance with the Parramatta City Council's Public Domain Guidelines (in particular, Chapter 3) is to be submitted to the satisfaction of Council's Supervisor, Civil Assets before the issue of a Construction Certificate. Particular attention is to be given to the provision of access for people with disabilities on the kerb ramps.

**Reason:** To protect and enhance the public domain.

42.The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Principal Certifying Authority with the construction certificate.

**Note:** The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement).

**Reason:** To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

43. A monetary contribution comprising **\$399,100.00** 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.

44.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.

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

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

45. 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.

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

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

46. 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.

47. Separate waste bins are to be provided on site for recyclable waste.

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

48. That provision is made for cigarette butt receptacles on the site to minimise littering. Cigarette butt receptacles must be provided during building works on any site and permanently provided to any restaurant/bar/retail/commercial component of the development after construction. Details of the size and the location of the receptacle are to be provided to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure that adequate provision is made for the disposal of cigarette butts to prevent littering of the public domain.

49. Access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building are to be provided. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the Building Code of Australia Part D3 "Access for People with Disabilities", provisions of the Disability Discrimination Act 1995, and the relevant provisions of AS1428.1 (2001) and AS1428.4.

**Reason:** To ensure the provision of equitable and dignified access for all people in accordance with disability discrimination legislation and relevant Australian Standards.

50. Prior to the release of the Construction Certificate design verification is required to be submitted from a registered architect 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.

51.78 off parking spaces (36 spaces on the upper basement level of which 24 spaces - residential, 10 spaces - commercial, 1 small car space and 1 car wash space; and 42 spaces in the lower basement level of which 41 spaces – residential including 6 disabled parking spaces, 1 small car space) plus 1 space for a motorcycle are to be provided, permanently marked on the pavement and used accordingly.

**Reason:** To ensure compliance with Council's parking requirements

52. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls and 6.2m aisle width minimum. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space).

**Reason:** To ensure compliance with Australian Standards.

53. The dimensions and configuration of the disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space).

**Reason:** To ensure compliance with Australian Standards.

54. Traffic within the upper and lower basement parking areas is to be marked with pavement directional arrows.

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

55. 1 loading bay for a small rigid truck (6.4m long x 4.0m wide) is to be provided on the ground floor, as shown on the submitted amended plan DA 276677. Issue E dated 30/09/2011.

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

56. A combined entry and 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.

**Reason:** To ensure compliance with Australian Standards and Council's requirements.

57. Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.

**Reason:** To ensure compliance with Australian Standards.

58. The driveway width (w) at the concrete layback is to comply with Council's Standard Heavy Duty Vehicular Crossing plan (DS9).

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

59. Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.

**Reason:** To ensure compliance with Australian Standards.

60. The northern section of ground floor commercial development is to be set back to the northern alignment of the base of the steps from the steps to the site boundary. This will provide for a pedestrian 'right-of-way' or colonnade at ground level, to facilitate future road widening near the site. This footpath is near the pedestrian crossing of Wentworth Street and is narrower than most other footpaths in the area.

**Reason:** To maintain amenities.

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

**Reason:** To ensure compliance with Australian Standards.

62. 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.

**Reason:** To ensure compliance with Australian Standards.

63. Sight distance to pedestrians exiting the property is to 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.

**Reason:** To ensure compliance with Australian Standards.

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

**Reason:** To ensure compliance with Australian Standards.

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

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

## Prior to Commencement of Works

66. The trees identified on the endorsed plans as being retained shall be protected prior to and throughout the demolition/construction process in accordance with the Tree Management Plan contained within the arborist report prepared by Urban Tree Management dated 9 November, 2010 and the relevant conditions of this consent.  
**Reason:** To ensure the protection of the tree(s) to be retained on the site.
67. Retained trees or treed areas shall be fenced with a 1.8 metre high chainwire link or welded mesh fence, fully supported at grade, to minimise the disturbance to existing ground conditions within the canopy drip line or a setback as specified on the approved landscaping plan for the duration of the construction works. "Tree Protection Zone" signage is to be attached to protective fencing.  
**Reason:** To protect the environmental amenity of the area.
68. Prior to works commencing, tree protection signage is to be attached to each tree protection zone, displayed in a prominent position and the sign repeated where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:
- (a) That the tree protection zone is a No Go Zone
  - (b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
  - (c) The name, address, and telephone number of the developer and site Arborist.
- Reason:** To protect existing trees during the construction phase.
69. The consent from Council is to be obtained prior to any pruning works being undertaken on any tree, including tree/s located in adjoining properties. Pruning works that are to be undertaken must be carried out by a certified Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.  
**Reason:** To ensure the protection of the tree(s) to be retained.
70. Oversize vehicles using local roads require Council's approval. The applicant is to be required to submit an application for an Oversize Vehicle Access Permit through Council's Traffic and Transport Services, prior to driving through local roads within Parramatta LGA.  
**Reason:** To ensure safety of Council assets.
71. Occupation of any part of footpath or road at or above (including construction and/or restoration of footpath and/or kerb or gutter) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.  
**Reason:** To ensure safety of Council assets.
72. 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.

73. 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.

74. 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.

75. Prior to the commencement of any excavation works on site the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a

geotechnical/civil engineering report which addresses (but is not limited to) the following:

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

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

- i. No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.

- ii. No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- iii. No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
- iv. Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
- v. Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- vi. An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table C1 of AS 2870 - 1996.

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

76. 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.

77. The approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site [www.sydneywater.com.au](http://www.sydneywater.com.au) see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to works commencing on site.

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

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

79. All additional documentation are required to be submitted to Council that details the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management **prior to its implementation.**

**Reason:** To ensure compliance with Council's requirements

80. 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.

81. 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.

82. 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.

83. 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.

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

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

85.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.

86.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.

87.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 contracts.

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.



## During Construction or Works

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

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

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

**Reason:** To ensure compliance with consent..

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

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

91. 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.

92. 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.

93. A heavy duty vehicular crossing must be constructed in accordance with Council's Standard Drawing No. [DS8 – DS9].

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

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

**Reason:** To provide satisfactory drainage.

95. The area below the building shall remain unobstructed at all times to permit the free flow of floodwaters. In this regard:

- That there should be no impediments to the flow below RL 11.58m (save for as-necessary structural columns and flood gates/grills) along the site's western boundary and for the first two metres of the within-site flow path as identified on the west elevation plan prepared by 'IDRAFT' Issue G dated 24/01/2012
- The eastern boundary fence of the site on Jubilee Park shall be an open form fence (pool fence type) below the level (RL 10.24m) which is the 1:100 year flood in this location and not a hinged flood gates.

**Reason:** To ensure the flow of water.

96. Car parking and driveways shall be constructed, marked and signposted in accordance with AS2890.1 –2004 prior to the occupation of the premises.

**Reason:** To ensure appropriate car parking.

97. 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.

98. 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.

99. 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.

100. 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) including the interim noise manual. Dust nuisance to surrounding properties should be minimised.

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

101. 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.

102. The applicant shall not enter or undertake any work within adjoining public lands (i.e. parks, reserves, roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.

**Reason:** Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.

103. 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.

104. 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.

105. 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. Vibration levels induced by demolition activities shall not exceed 5mm/sec peak particle velocity (ppv) when measured at the footing of any nearby building.

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

106. 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.

#### **Prior to Release of Occupation Certificate**

107. 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.

108. The measures required by the acoustic report(s by RSA Acoustics dated 21 September 2010) submitted with the development application (and Construction Certificate if applicable) shall be implemented prior to issue of any Occupation Certificate.

**Reason:** To minimise the impact of noise.

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

**Reason:** To ensure developments are appropriately numbered.

110. 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.

111. 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. 346095M, will be complied with prior to occupation.

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

112. 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.

113. Submission of a letter confirming satisfactory arrangements have been made for the provision of Energy services.

**Reason:** To ensure appropriate electricity services are provided.

114. 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.

115. Prior to the issue of the occupation Certificate, the applicant must create of a restriction –on-use on the title of the subject property. The restriction is:

- That there should be no impediments to the flow below RL 11.58m (save for as-necessary structural columns and flood gates/grills) along the site's western boundary and for the first two metres of the within-site flow path

as identified on the west elevation plan prepared by 'IDRAFT' Issue G dated 24/01/2012

- The eastern boundary fence of the site on Jubilee Park shall be an open form fence (pool fence type) below the level RL 10.24m which is the 1:100 year flood in this location and not a hinged flood gates.
- To prevent the placement of any further structures, walls, fences, fill or other items - than what is approved in this consent - which may impede the 100 year ARI flood, within the site.

Parramatta City Council is to be named as the Authority whose consent is required to release, vary or modify the restriction.

**Reason:** To protect the environment.

116. The minimum habitable floor level for the proposed building shall be Relative Level 11.8m Australian Height Datum (AHD). (i.e. minimum 0.5 m above the 1 in 100 year flood level). Certification of compliance with approved floor level by Registered Surveyor shall be provided to the Principal Certifying Authority upon completion of the ground floor.

**Reason:** To ensure that the building level is in accordance with the approval.

117. 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.

118. An effective Flood Emergency Evacuation Management Plan and Emergency Response Procedure shall be prepared by an appropriate consulting drainage/flood engineer prior to the issue of the Final Occupation Certificate shall be submitted to the Principal Certifying Authority and a copy of the report shall be provided to Council for record keeping purposes.

The report shall incorporate an effective evacuation process and procedure for egress both from the site in the early stages of a storm to upper floor evacuation during the peak of storm events.

The accredited certifier shall ensure that all signage, warning systems and the Emergency Evacuation Plan are installed as recommended in the report and certified appropriately. Those warning signs shall be displayed in visible locations such as the Foyer and near the Exits

**Reason:** For the property to ensure future property owners are made aware of the procedure in the case of flood.

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

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

120. The artworks are to be completed in full in line with the documentation submitted (Public Art Report dated 2 November 2011) and the artworks are installed to the satisfaction of Council's Senior Strategic Project Manager prior to the issue of the Occupation Certificate.

**Reason:** To ensure compliance with Council's requirements.

121. The break up of the number of recycle and general waste bins and the details of any appointed caretaker for cleaning of these bins are required to be provided to the Council prior to issue of Occupation certificate.

**Reason:** To ensure compliance with Council's requirements.

122. A copy of the service agreement with the contractor for waste removal shall be provided to the Council.

**Reason:** To ensure compliance with Council's requirements.

#### **Use of Site**

123. A waste storage room is to be provided on the premises, capable of accommodating all garbage, stored liquid, recyclable wastes and associated containers arising from the use of the premises and accessible by waste collection contractors. Disposal of wastes from the premises shall comply with the approved waste management plan.

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

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

**Reason:** To ensure provision of adequate waste disposal arrangements.

125. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.

**Reason:** To ensure the removal of graffiti.

126. All new and existing fire safety measures identified in the Fire Safety Schedule shall be maintained in working condition at all times.

**Reason:** Protection of life and to comply with legislative requirements.

127. 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.

128. No air-conditioning condensers/ units are to be located on any of the balconies.

**Reason:** To ensure the amenity of the units and visual amenity of the building

129. A single antennae for the purpose of receiving television signals and a single satellite dish for the purpose of receiving satellite signals shall be installed for the entire building and not affixed to balconies or walls of individual units, and shall not be visible from Parkes Street and Anderson Street frontage.

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

130. The specific commercial/retail use or occupation of the premises shall be the subject of further development approval for such use or occupation.

**Reason:** To ensure development consent is obtained prior to that use commencing.

131. A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.

**Reason:** To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors.