

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

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**SUMMARY**

**Application details**

DA No:	DA/155/2011
Assessment Officer:	Kate Lafferty
Property:	29 Hunter Street, PARRAMATTA Lot 20 DP 740212
Proposal:	Demolition, tree removal and the construction of a 24 storey mixed use development containing 108 units, 2 retail tenancies and 2 commercial tenancies over 4 levels of basement carparking
Cost of works:	\$34,500,000
Date of receipt:	24 March 2011
Applicant:	Architex
Owner:	Mr L N Ly, Mrs H V Ly & Geldama Pty Ltd
Submissions received:	No submissions received
Property owned by a Council employee or Councillor:	No
Council application:	No
Issues:	None
Recommendation:	Approval subject to conditions
Determination:	The development will be determined by the Western Sydney Joint Regional Planning Panel as the cost of development exceeded \$10 million at the time of lodgement on 24 March 2011.

## Legislative Requirements

Zoning:	Mixed Use B4
Permissible under:	Parramatta City Centre LEP 2007
Relevant legislation/policies:	SEPP65, Parramatta City Centre Plan DCP 2007
Variations:	Street alignment
Integrated development:	Yes (Railcorp concurrence required under Infrastructure SEPP)
Crown development:	No
Designated development:	No

## The site

Site Area:	1477m <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:	Yes (The Travellers Rest Inn Group)
Site History:	LA/157/2009 - An Architectural Design Competition was held on 10 December 2010 for a 24 storey mixed use development (this is discussed further within the 'Background' section of this report)

## DA history

24 March 2011	DA lodged
28 March 2011	Additional information requested <ul style="list-style-type: none"><li>➤ Floor space ratio calculations</li><li>➤ Public Domain and Alignment Plans Required</li><li>➤ Concurrence Fee Required</li><li>➤ Revised Waste Management Plan</li><li>➤ Revised Basix Certificate Required</li></ul>
30 March 2011	Revised Basix certificate submitted

6 April 2011	Railcorp request additional information
6 April 2011 to 27 April 2011	DA notified
20 April 2011	Design Review Panel meeting Revised architectural plans submitted (reduced floor space)
28 April 2011	JRPP Briefing
5 May 2011	RTA comments received
27 May 2011	Revised architectural plans submitted (minor design changes to address DRP concerns)
21 June 2011	Applicant advised of Catchment Management issues
6 July 2011	Additional information submitted (waste details)
20 July 2011	Additional information submitted (waste truck manoeuvrability – 8m)
2 August 2011	Additional information submitted (flood study, Railcorp information)
8 August 2011	Revised Public Domain Plan submitted
25 August 2011	Railcorp request additional information
10 October 2011	Additional information submitted (Railcorp information)
28 October 2011	Additional information submitted (flooding reports)
22 November 2011	Additional information submitted (balcony treatment to address Railcorp concerns)
22 December 2011	Railcorp concurrence received

(It should be noted that the above does not list the complete correspondence received and sent by Council officers during the assessment of this application)

## SECTION 79C EVALUATION

### SITE & SURROUNDS

The site is located on the south-eastern corner of Hunter Street and O'Connell Street Parramatta, abutting the main east-west railway line between Sydney and Richmond.

The site is legally described as Lot 20, DP 740212. The site has a frontage of 35.705m to Hunter Street, a curved corner of approximately 9m, a frontage of 29.51m to O'Connell Street and has a total site area of 1477m<sup>2</sup>. The land is generally known as 29 Hunter Street Parramatta. The parcel of land is square in shape and contains a two (2) storey commercial building with at grade car parking.

The site is surrounded by residential, commercial and retail development with a multi storey public car park located opposite.

There are 3 intact and significant Georgian cottages (The Travellers Rest Inn Group) located across the road to the north of the site (cnr O'Connell Street and Hunter Street). Hunter Street is also identified as having an important view corridor from Parramatta Park to St John's Church.



**View of the subject site from corner of Hunter Street & O'Connell Street**

## BACKGROUND

LA/157/2009 - An Architectural Design Competition was held on 10 December 2010. The proposed development won the competition and the Director General Planning granted an additional 10% increase in the floor space ratio (FSR) and building height to the winning submission of Architex on the basis of achieving "design excellence" pursuant to clause 22B of the Parramatta City Centre Local Environmental Plan (PCCLEP) 2007.

The Jury provided the following comments on their assessment of design merit:

*"The building design transforms a conventional design of a podium and tower building type with an elegantly executed podium.*

- The podium design skilfully responds to the streetscape and heritage cottages in O'Connell Street. The podium provides an appropriate backdrop to the cottage in its articulation and materiality. A horizontal awning, although not required in the DCP, establishes a line that registers the scale of the cottages on the façade of the podium. The selection of sandstone cladding for the podium elevation also compliments the cottages without competing with them.*
- The design successfully resolves the deep podium floor plan, a product of the site dimensions, by incorporating slots and open corridors to promote cross ventilation and daylight access.*
- The majority of apartments are well designed and provide good daylight and cross ventilation.*
- The tower effectively responds to its corner site location. Its façade incorporates framing elements reinforced by range of balustrade designs. While the façade design approach should translate well to a built product, the Jury believes the tower would be improved by rationalising the façade design."*

The Jury awarded Design Excellence to Architex, subject to the conditions below.

*"The following conditions should be addressed in the design development to ensure delivery of design excellence:*

- The jury is of the opinion that the tower design needs to be simplified and its vertical proportions enhanced. One means of achieving this would be to reflect the apartment types in the elevation design as shown on the density 3d diagrams in the design report. This would give the tower more verticality and would simplify and strengthen the overall design.*
- The elevations of the tower should incorporate some of the same materials and/or colours from the podium elevations.*
- The podium corner glazing should incorporate horizontal louvres into the glass walls to screen the northern sun in summer.*
- Material and colours palette specifications for the tower elevations should demonstrate durability and address ease of maintenance.*
- Two bedrooms from one apartment on each level of the podium open on to an internal garden. The floor plans of these units should be revised to ensure these bedrooms achieve good daylight, natural ventilation and appropriate privacy screening to make them acceptable as habitable rooms. Doors to the garden from*

*the apartment will be required to achieve access for maintenance and drip irrigation to garden bed to maintain landscape.”*

The subject development application was referred to Council’s Design Review Panel and Council’s Urban Design Team who were satisfied that the Jury’s recommendations have been incorporated within the design.

## THE PROPOSAL

Demolition, tree removal and the construction of a 24 storey mixed use development containing 108 units, 2 retail tenancies and 2 commercial tenancies over 4 levels of basement car parking. The details of the application are as follows:

- Retail floor space = 218m<sup>2</sup>
- Commercial floor space = 532m<sup>2</sup>
- 108 residential units (12 x 1 bedroom, 84 x 2 bedroom & 12 x 3 bedroom)
- 142 car parking spaces (including 2 disabled & 11 adaptable)
- Loading bay on Ground Level 1
- Vehicular access via 5.5m driveway on Hunter Street

No subdivision is proposed as part of this application.

There are no significant trees located on site. There are 3 trees located on the road reserve in Hunter Street, being 2 x Camphor Laurels and a Paperbark. The application proposes to retain all street trees.



Photomontage of proposed development

## PERMISSIBILITY

The site is zoned Mixed Use B4 under the provisions of Parramatta LEP 2007. The proposed development is defined as follows:

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

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

The proposed subdivision of the land is permissible with consent under Clause 15 of Parramatta LEP 2007.

## EXTERNAL REFERRALS

### Railcorp

The application was referred to Railcorp for concurrence under Section 86 of the SEPP (Infrastructure) 2007. The development involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25m (measured horizontally) of a rail corridor. Details of this referral are discussed later within this report.

### Roads & Traffic Authority of NSW

The application was referred to the RTA for comment in accordance with Clause 104 and Schedule 3 of the SEPP (Infrastructure) 2007.

The RTA responded via correspondence dated 3 May 2011 which supported the application subject to the imposition of conditions, including the submission of design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment. The conditions recommended by the RTA are incorporated within the Recommendation section of this report.

## INTERNAL REFERRALS

### Heritage Advisor

The application was referred to Council’s Heritage Advisor as the subject site is located opposite a heritage item. Council’s Heritage Advisor reports as follows:

*In my opinion, the proposed volumes may potentially be achievable, but a different treatment of facades is required.*

*The separation into three segments did not produce the desired visual result, as the middle and the top segment are not harmonised well and seem to visually compete with the heritage items in views along O’Connell Street. This is emphasized by use of contrasting colours, heavy horizontal lines on dark background and open forms such as the balconies which give a “zigzag” contour against the sky. These two*



*segments need to be visually harmonised, with contour made smoother. The balconies should be enclosed and other open forms removed where they are not necessary for the building to function, such as the boxed rooftop addition. Colour scheme should not be contrasting and materials should be selected to present as harmonised, rather than openly contradicting heavy vs. light and in-filled vs. open.*

*The building also lies on the corridor of the significant view No. 2 identified in the Parramatta City Centre DCP 2007 (along Hunter Street). The required modifications will allow it to better harmonize with that significant view, as well as with the adjoining heritage items.*

*The proposal should also be referred to Council's Urban Designer for comment.*

**Planning Comment:** The proposed design has been reviewed by a variety of urban design specialists, including the Design Competition jury, the Design Review Panel and Council's Urban Design Team. Given the height and FSR envisaged by LEP 2007, any building on this site would be of greater bulk and scale and overwhelm to an extent the heritage listed buildings on the other side of Hunter Street. It is not considered that the simplification of the façade design would reduce the impact on the heritage items. The façade design and impact of the proposed development was considered by these specialists in the early stages of design and considered to be satisfactory.

## **Traffic & Transport Investigations Engineer**

The application was referred to Council's Traffic & Transport Investigations Engineer who report as follows:

### **Existing Development**

1. *The Site is located on the south eastern corner of O'Connell Street and Hunter Street, Parramatta and currently has a two storey commercial building.*

### **Proposed Development**

2. *The proposed development seeks approval to construct a 24 storey mixed use development containing 108 units, 2 retail tenancies and 2 commercial tenancies over 4 levels of basement carparking areas.*
3. *Details of the proposed development as per the Traffic and Parking report submitted with the DA:*
  - *Construction of a multi level building with the ground floor containing a mezzanine of commercial/retail (750m<sup>2</sup> GFA)*
  - *108 residential units (comprising of 12 x 1 bedroom, 84 x 2 bedroom and 12 x 3 bedroom units)*
  - *A total of 142 car parking spaces (including 2 disabled spaces and 11 adaptable spaces) in 4 basement levels.*



- A loading bay is located on ground Level 1
- Vehicle access to the development is provided from Hunter Street via a 5.5m wide driveway. Note that the plan shows 6m wide driveway.

### **Parking Requirements**

4. According to Council's City Centre LEP 2007 the parking rates are as follows:
  - residential – 1 space per 1,2 or 3 bedroom units plus 1 per 5 dwellings for visitor parking (108 units) = 129.60 spaces (say 130)
  - commercial – 1 space per 100m<sup>2</sup> GFA (532m<sup>2</sup> GFA) = 5.32 spaces (say 5)
  - retail - 1 space per 30m<sup>2</sup> GFA (218m<sup>2</sup> GFA) = 7.26 spaces (say 7)

Total = 142 spaces required to be provided on site

Note that a loading bay is not required as per the Council's City Centre LEP 2007, however for this proposal it is considered appropriate to provide a loading bay on –site.

### **Traffic Generation**

5. Traffic generation data as per Traffic & parking report is noted.

### **Parking Provision and Layout**

6. The proposed development provides a total of 142 parking spaces in 4 basement levels, which is acceptable, a loading area on ground level 1 and 14 bicycle racks. Note the Traffic report stated that loading area is in basement level 1 which is incorrect as the plan shows a loading area on the ground level 1. The loading area is considered acceptable and delivery vehicles should be restricted to a small rigid truck.
7. The layout of the parking bays is acceptable. The dimensions of the carparking spaces for residents and visitors comply with AS 2890.1 2004, however the disabled parking spaces marked on basement levels 2, 3 and 4 do not comply with AS 2890.6-2009. Note the disabled parking spaces V7 & V8 comply with AS 2890.1 – 2009 but a bollard should be installed on the shared space in between these spaces. The aisle width varies from 5.9m to 6.4m and is considered acceptable.
8. The location of the columns is acceptable.

### **Access Arrangement**

9. Vehicle access into and out of the development site (including access to the loading dock) is provided from Hunter Street via a combined driveway 6m wide as shown on the plan. The ramp access driveway to the basement levels is 5.5m wide and the ramp access to the loading dock is 4m wide as shown on the plan.

10. *The driveway and ramp access widths to the basement levels and loading dock are considered adequate. The gradients of the ramps access width comply with AS 2890.1-2004.*

### **Conclusion**

*Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on Hunter Street and the surrounding road network. The proposal can be supported on traffic & parking grounds subject to the following traffic related conditions.*

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

### **Tree Management & Landscape Officer**

The application was referred to Council's Tree Management & Landscape Officer who reports as follows:

#### ***Issues***

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

There are no trees greater than 5m tall located within the subject site.

##### ***Impact on adjoining trees***

Nil

#### ***Landscape***

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

Planning Comment: The recommended conditions of Council's Tree Management & Landscape Officer are incorporated within the Recommendation section of this report.

### **Open Space & Recreation**

The application was referred to Council's Open Space and Recreation Team as the application requires an upgrade of the public domain. The following comments were received:

*The Camphors on the road verge outside 29 Hunter Street should be replaced.*

*The Brush box is stunted in its growth habit and has been subjected to over pruning; however it still provides some aesthetics to the overall streetscape. I would keep this tree.*

*The Camphors are in an extremely poor condition with major cavities noted at the top of the trunk where the canopy starts to branch (see pics). They also have decay and hollows where previous pruning has been done.*

*I would recommend planting 2 x Lophostemon confertus (Brush Box) in 45L bags/pots in there place. Distance apart 10m.*

Planning Comment: The recommended conditions of Council's Open Space & Recreation Team are incorporated within the Recommendation section of this report.

## **Development Engineer**

The application was referred to Council's Development Engineer who raises no concerns with the proposed development subject to the imposition of appropriate conditions.

Planning Comment: The recommended conditions of Council's Development Engineer are incorporated within the Recommendation section of this report.

## **Catchment Management**

The application was referred to Council's Catchment Management Unit as the site is affected by Probable Maximum Flood (PMF).

Council's Local Floodplain Risk Management Policy requires the following with respect to PMF:

- All floor levels to be equal to or greater than the PMF level plus freeboard
- Reliable access for pedestrians and vehicles required to a publicly accessible location during the *PMF peak flood*.
- Reliable access for pedestrians and vehicles is required from the site to an area of refuge above the PMF level, either on site (e.g. second storey) or off site.

Council's Catchment Management Unit have advised that the issue of achieving the requisite 500mm freeboard for both the commercial/retail units and the basement ramp has been satisfactorily addressed. It is noted however that the architectural drawing does not clarify the level of the access stairs in the stairwell which is located immediately adjacent to the basement ramp. In this regard, it is considered that either (i) those stairs should also achieve the same level of basement flood protection, or (ii) the street level door should be water tight and persons in the basement be warned not to use the stairs when the flood warning system has been activated.

Concerns have also been raised with respect to the evacuation plan proposed. Whilst it is considered that there are no particular engineering difficulties in preparing a suitable plan, certain "legal" matters/agreements implied in the current proposed plan cannot be commented upon.

Council's Catchment Management Unit have therefore recommended *"that Council maintains the right of final approval and if this can be achieved through appropriate*

*consent clause wording, then perhaps the 'engineering' documentation could be delayed to the CC stage of the project."*

Planning Comment: The concerns raised by Council's Catchment Management Unit have been addressed via conditions of consent incorporated within the Recommendation section of this report.

## **Urban Design**

The application was referred to Council's Urban Design Team who raise no concerns with the proposed development. Specific comments provided by the Urban Design Team are discussed in further detail within the SEPP 65 section of this report.

## **Public Domain Comments**

Council's Urban Design Team also provided the following comments on the Public Domain Plan:

*A detailed public domain plan has been submitted. The City Centre Pavement has recently been changed. This requires a new pavement layout to be submitted with:*

- *The kerb ramps relocated and redesigned*
- *Different treatment to drive*
- *No decorative banding or margins*
- *150mm x 150mm pavers to the drive*
- *That the maximum cross fall is 2.5% across the footpath (set out from top of kerb)*

*This aspect could be dealt with by conditioning the DA to submit a revised public domain plan prior to issue of CC that concurs with the new requirements.*

Planning Comment: A condition requiring the submission of an amended Public Domain Plan is incorporated within the Recommendation section of this report.

## **Civil Assets**

The application was referred to Council's Civil Assets Unit who considered the Alignment Plan submitted with the application. Concerns were raised that no provision had been made to demonstrate that the kerb ramps at the corner of Hunter Street & O'Connell Street will comply with the Disability Discrimination Act. It is noted that the new Public Domain Guidelines have been developed with this compliance in mind and therefore the plan will need to reflect this.

The applicant advised that their Access Consultant attended the site and determined that it would not be possible to alter the existing ramped access arrangements on the kerbs due to the signage located there and traffic light posts, all controlled by the RTA.

Council's Civil Assets Unit further inspected the site and advised that access can be improved to comply with Council's Public Domain Guide, and as a general rule, all costs associated with service relocations to comply with relative standards must be borne by the applicant.

Planning Comment: A condition requiring the submission of a revised Public Alignment Plan in accordance with Council's Public Domain Guide is incorporated within the Recommendation section of this report.

## **PUBLIC CONSULTATION**

In accordance with Council's Notification DCP, the proposal was advertised with owners and occupiers of surrounding properties given notice of the application for a 21 day period between 6 April 2011 to 27 April 2011. In response, no submissions were received.

**Amended Plans** Yes

### **Summary of amendments**

The plans were amended to increase the floor levels of the ground floor to comply with PMF levels and to address the issues raised by the Design Review Panel. The amendments were of a minor nature only, did not change the overall number of units within the development and did not result in any significant changes to the external appearance.

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

### **Reason amendments not renotified**

In accordance with clause M entitled "*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*" of Council's Notification Development Control Plan the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

## **ENVIRONMENTAL PLANNING INSTRUMENTS**

### **STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND**

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

### **STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007**

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application.

### **Development in Rail Corridors**

The proposed development involves the penetration of ground to a depth of at least 2m below ground level (existing) on land within 25m (measured horizontally) of a rail corridor.

The application was referred to Railcorp for concurrence under Section 86 of the SEPP (Infrastructure) 2007. Correspondence dated 21 December 2011 received from Railcorp reads inter alia:

*RailCorp advises that following the provision of additional information by the applicant, the proposed development has been assessed in accordance with the requirements of Clause 86(4) being:*

- a) the potential effects of the development (whether alone or cumulatively with other development or proposed development) on:
  - (i) the safety or structural integrity of existing or proposed rail infrastructure facilities in the rail corridor, and*
  - (ii) the safe and effective operation of existing or proposed rail infrastructure facilities in the rail corridor, and**
- b) what measures are proposed, or could reasonably be taken, to avoid or minimise those potential effects.*

*In this regard, RailCorp has taken the above matters into consideration and has decided to grant its concurrence to the development proposed in development application DA/155/2011, subject to Council imposing the conditions listed in Attachment A. Should Council choose to not impose the conditions in Attachment A, as written, then RailCorp's concurrence has not been granted for the proposed development.*

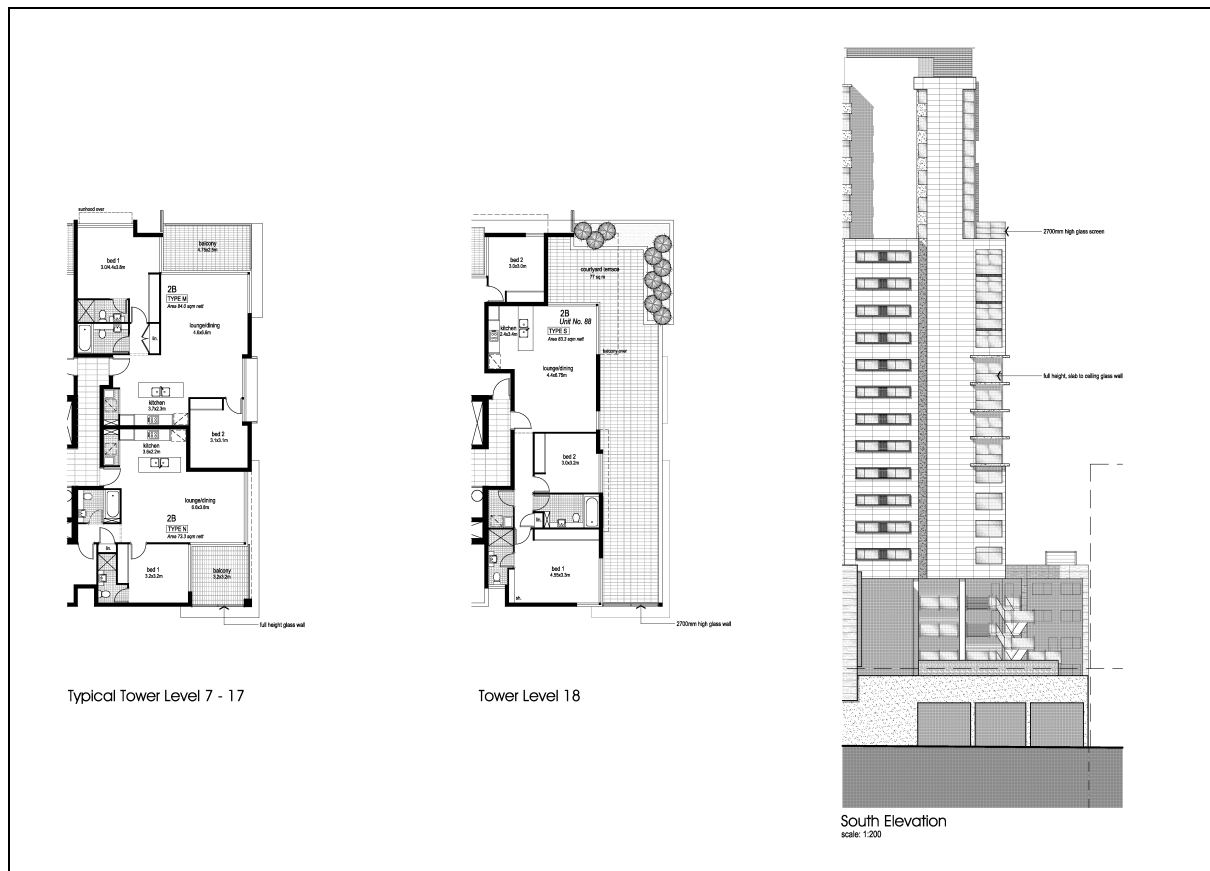
No objection is raised to the imposition of Railcorp's conditions. It should be noted that one particular condition impacts upon the visual appearance of the proposed development and reads as follows:

- *Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (e.g. roof terraces and external fire escapes) that face the rail corridor, the Applicant is required to install the following, measures:*
  - *Balconies to comprise of a glass wall structure from slab to ceiling*
  - *Balconies without a ceiling above, open areas and roof-top terraces to comprise glass or masonry wall, or fencing, 2.7m in height*

*The Principle Certifying Authority shall not issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.*

Prior to receiving Railcorp's concurrence, this issue was discussed with the applicant who submitted an architectural plan illustrating the treatment of the balconies to address this condition. The plan illustrates floor levels 7 to 18 with balconies oriented to the south (towards the rail corridor) comprising of a glass wall structure from slab

to ceiling. This is a side wall to the balcony and does not require any louvers for ventilation. The plan is shown below.



No objection is raised to this proposed treatment to the balconies facing the rail corridor. The fenestration would still appear to be a balustrade with a fixed glass panel above and a fixed highlight above that. Therefore, the southern elevation does not significantly alter in appearance.

This specific plan has been incorporated within the approved plans and documentation contained within the Recommendation section of this report.

All conditions contained within Attachment A of Railcorp's correspondence are contained within the Recommendation section of this report.

### Development with frontage to classified road

O'Connell Street is a Classified Road. Accordingly, Clause 101 of the SEPP applies to the proposed development, requiring the consent authority to ensure that:

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



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

In response, the following comments are made:

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

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

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

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

Clause 102 of the SEPP requires the consent authority to consider the impact of road noise or vibration on non-road development, particularly in relation to more sensitive receivers such as residential, hospitals, child care centres and places of public worship. The application of Clause 102 is mandatory in relation to development adjacent to roads with an annual average daily traffic (AADT) volume in excess of 40,000 vehicles and recommended in relation to development adjacent to roads with an AADT of between 20-40,000 vehicles. O'Connell Street falls within the category of having an AADT of in excess of 40,000 vehicles, therefore mandatory assessment is required.

Clause 102(3) of the SEPP states that

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

The application of Clause 102 of the SEPP is mandatory for this development, in this location and the recommendations of the approved acoustic assessment which form part of the draft conditions of consent will ensure that the residential units within the proposed development will be able to meet the requirements of the SEPP. The submitted acoustic report satisfactorily demonstrates that the internal amenity required by clause 102(3) will be achieved.

### **Traffic-generating development**

The proposed development is deemed to be traffic generating development under Schedule 3 of the SEPP as it involves more than 75 dwellings on a site with access to a road that connects to a classified road. The application was referred to the RTA (now the Roads & Maritime Services) who responded with the following comments:

*The RTA has reviewed the application and provides the following comments to Council to assist in the determination of the development application (DA):*

1. *The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment. The developer is to meet the full cost of the assessment by the RTA.*

*This report would need to address the following key issues:*

- a) *The impact of excavation/rock anchors on the stability of O'Connell Street and detailing how the carriageway would be monitored for settlement.*
- b) *The impact of the excavation on the structural stability of O'Connell Street.*
- c) *Any other issues that may need to be addressed. (Contact: Geotechnical Engineer Stanley Yuen on phone 8837 0246 or Graham Yip on phone 8837 0245 for details).*

*If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.*

### Planning Comment:

This matter has been incorporated as a condition of consent in the Recommendation section of the report.

2. *A "No Stopping" restriction for a minimum distance of 20 m from the intersection of O'Connell Street shall be installed on the southern side of Hunter Street. It is noted that installing of "No Stopping" restriction will require approval from the local traffic committee.*

Planning Comment: This matter has been incorporated as a condition of consent in the Recommendation section of the report.

3. *All vehicles (including trucks, resident's cars and visitor's cars) shall be able to enter and exit the site in a forward direction. To satisfy this requirement, tum-around areas shall be provided on site to allow all vehicles to tum-around within the site.  
The developer needs to satisfactorily demonstrate to the Council that all vehicles accessing the subject site are no longer than the proposed longest sized vehicle (6.4m).*

Planning Comment: This matter has been considered and satisfied within the assessment of the application. All vehicles can enter and exit in a forward direction with adequate manoeuvrability provided on site.

4. *All vehicles are to be clear from the edge of the carriageway and footpath before being required to stop.*
5. *The provision of car parking and loading areas shall be provided to Councils requirements.*
6. *The layout of the proposed car parking and loading area associated with the subject development (including access driveway/s, grades, tum paths, sight distance, car parking spaces, loading areas and tum-around areas) shall be in accordance with AS2890.1- 2004 and AS2890.2 - 2002 for larger vehicles.*

Planning Comment: These matters have been considered and satisfied within the assessment of the application.

7. *The RTA will request council to ensure that post development storm water discharge from the subject site into the RTA drainage system does not exceed the pre-development application discharge.*

*Should there be changes to the RTA's drainage system then detailed design plans and hydraulic calculations of the stormwater drainage system are to be submitted to the RTA for approval, prior to the commencement of any works.*

Planning Comment: This matter has been considered and satisfied within the assessment of the application. Council's Development Engineer has reviewed the application and is satisfied that all stormwater will

be collected and discharged to a Council stormwater system.

8. The proposed development should be designed such that road traffic noise from O'Connell Street is mitigated by durable materials and comply with the requirements of Clause 102-(Impact of road noise or vibration on non-road development) of State Environmental Planning Policy (Infrastructure) 2007.

Planning Comment: These matters have been considered and satisfied within the assessment of the application.

9. *All demolition and construction vehicles and activities are to be contained wholly within the site or on Hunter Street as a work zone permit will not be approved on O'Connell Street.*
10. *A Road Occupancy Licence should be obtained from the RTA for any works that may impact on traffic flows on O'Connell Street during construction activities.*
11. *All costs associated with the proposed development shall be at not cost to the RTA.*

Planning Comment: These matters have been incorporated as advisory notes in the Recommendation section of the report.

In addition to the taking into consideration the comments made by the RTA, Clause 104(3)(b) requires the following matters to be taken into consideration before the determination of the application:

- The accessibility of the site concerned, including:
  - the efficiency of movement of people and freight to and from the site and the extent of multi-purpose trips, and
  - the potential to minimise the need for travel by car and to maximise movement of freight in containers or bulk freight by rail, and
- any potential traffic safety, road congestion or parking implications of the development.

Planning Comment: This matter has been considered and satisfied within the assessment of the application. The site is adequately serviced by bus and rail transport options and car parking has been provided at a maximum rate to encourage the use of public transport. Council's Traffic & Transport Investigations Officer has reviewed the application and is satisfied that the traffic safety, traffic generation and parking implications of the development are acceptable.

## **STATE ENVIRONMENTAL PLANNING POLICY 64 – ADVERTISING & SIGNAGE**

The application does not propose the display of any signage. Any future signage for the commercial tenancies may be subject to a separate application.

## **STATE ENVIRONMENTAL PLANNING POLICY – BASIX**

The application for the mixed use development 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.

## **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.

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

A design statement addressing the design quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The statement addresses each of the 10 principles and an assessment of this is made below.

### ***Context***

The design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The scale of building and type of use are compatible with the proposed redevelopment of the precinct and recognises and generally complies with the requirements of Parramatta City Centre LEP 2007 and DCP 2007.

**Scale**

No issues arise in terms of the scale of the proposal. The scale of the building in itself is considered suitable within its locality and is envisaged by the prevailing planning controls.

**Built form**

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

The non-residential function of the ground floor of the building better defines the public domain, contributes to the character of the future streetscape, and provides internal amenity and outlook.

**Density**

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

**Resource, energy and water efficiency**

The development provides opportunities in this regard, as reflected within the submitted Basix Certificate. Energy efficiency is also aided by the use of water/energy efficient fittings, appliances and lighting.

**Landscape**

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

**Amenity**

The proposal is considered to be satisfactory in this regard, optimising internal amenity through appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas. The proposal provides for an acceptable unit mix for housing choice and provides access and facilities for people with disabilities.

**Safety and security**

The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy. In addition to the (as yet) unknown uses of the ground floor spaces, this level of the building features pedestrian and vehicle access to the building and is generally satisfactory in terms of perceived safety in the public domain.

A security roller door is provided to the basement and security doors to the residential lobby is provided in order to enhance occupant and visitor safety.

### ***Social dimensions***

This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements.

### ***Aesthetics***

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

### **Residential Flat Design Code**

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

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

The following table highlights the controls relevant to this proposal:

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Building Depth	Depth should be between 10-18m	Bldg depth = 14m to 34m Dwg depth = max 16m	<b>No</b> Yes
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys)	Not applicable – no residential buildings adjoining	N/A
Storage	1 bedroom 6m <sup>3</sup> 2 bedroom 8m <sup>3</sup> 3 bedroom 10m <sup>3</sup>	Separate storage areas are provided for each unit within the basement and generally comply	Yes
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All dwellings have balconies with a minimum depth of 2m	Yes
Residential Ceiling	Minimum 2.7m	2.7m	Yes



heights			
Min. Apartment size	1 bedroom 50m <sup>2</sup> 2 bedroom 70m <sup>2</sup> 3 bedroom 95m <sup>2</sup>	1 bed = 58m <sup>2</sup> 2 bed = 71m <sup>2</sup> – 106m <sup>2</sup> 3 bed = 112m <sup>2</sup> 128m <sup>2</sup>	Yes Yes Yes
Open Space	The area of communal open space should be between 25-30% of the site area (25%=370m <sup>2</sup> ).	Communal open space is provided on Podium Level 2 and the Roof Terrace = 730m <sup>2</sup> or 49%	Yes
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone (25%=92m <sup>2</sup> ).	12% or 180m <sup>2</sup> (provided in deep planter beds)	Yes
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	Max 6 units	Yes
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 2 hours direct solar access on winter solstice (if in a dense urban environment)	100%	Yes
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	North = 70% units East = 11% West = 24% South = Nil	Yes
Natural ventilation	60% of units should be naturally cross ventilated	80%	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation	25%	Yes
Natural ventilation	The back of a kitchen should be no more than 8m from a window	Every kitchen is within 8m from a window	Yes

### **Planning comment on non-compliances:**

#### **Building Depth**

The RDFC recommends a building depth of between 10m and 18m to ensure that apartments are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants. Although the building itself varies to a maximum depth of 34m, the dwellings have a maximum depth of 16m. Given the dwellings receive sufficient natural ventilation and all habitable rooms are

provided with direct access to fresh air, the objectives of the natural ventilation requirements of the RDFC are achieved.

**Planning comment in general:**

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

**Local Context**

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

**Site Design**

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

**Building Design**

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

**Design Review Panel**

The application was referred to the Design Review Panel for review and comment. The Design Review Panel considered the application at its meeting on 20 April 2011 and reported as follows:

*The Design Review Panel make the following comments in relation to the project:*

1. *The Panel notes that the application has been through a design excellence competition and was the successful scheme in this process.*

*It is the panels understanding that the recommendations arising from that process have been addressed in the current scheme.*

2. *The Panel further understand that the scheme as submitted exceeds councils FSR limit but that a revision has been made which reduces the overall footprint of the scheme. The panel has not seen this revision.*

3. *Overall the Panel considers the design to be acceptable in terms of the SEPP 65 requirements. It is the Panels view however, that most of the units are relatively small and tight in floor area thereby affecting circulation and amenity.*

*It is noted that it is likely that this will be further impacted when the layout is reduced to comply with the FSR requirement. The applicant has suggested that this could be partially addressed by removal of the proposed internal storage areas from the units where provided.*

4. *A related issue is the amenity impact associated with most of the bedrooms opening directly off the living spaces. The applicant has undertaken to review the internal layouts to address these issues.*
5. *Other ways to address these issues could be a reduction in the number of bedrooms or, alternatively, a reduction in the number of units per floor, resulting in more generous spaces.*
6. *The Panel considers that unit type 'N' should be reconfigured to move the main bedroom further to the east in the location of the second bedroom (i.e.: to swap the 2 bedroom locations) to improve the amenity of the main bedroom. The Panel also recommend that the lift shafts be acoustically isolated to prevent impact to the adjoining bedrooms.*
7. *Consideration needs to be given to the layout of apartment type 'B.'. In particular consideration needs to be given to potential privacy issues associated with the communal garden spaces and how light and air is provided to bedroom 3 from the courtyard. Similar issues apply in relation to the bedrooms of apartment type 'E' and 'G'.*
8. *The design of the pocket gardens and common areas needs to be well detailed and this should be undertaken by a skilled landscape architect.*
9. *The Panel notes that the ground floor retail and commercial areas are setback from the street alignments but considers this acceptable in this instance given the corner location and the particular context of the site.*

*In the event that amended plans are submitted to Council to address the concerns of the Design Review Panel the amended plans will be referred back to the Panel for comment or to Council's Urban Designer.*

#### Planning Comment:

The applicant amended the plans to address the issues raised by the Design Review Panel. These amended plans were referred to Council's Urban Design Team for review. The following comments were received:

*I have viewed the revised plans, the suggestions of the DRP and the submission made by the applicant.*

*I note that the apartments remain small as noted by the DRP. However they will be habitable due to the straightforward and rational layouts and so whilst it would be desirable to make them larger they are acceptable.*

*The other requests regarding making the common courtyards private and improving the main bedrooms to the east have been addressed as noted by the architect in his submission.*

*Regarding the DRP advice to engage a landscape architect to design the pocket courtyards, the architect has suggested that the application be conditioned to have*

*the courtyards designed by a Landscape architect for CC and I support this suggestion.*

*The non complying ground floor setback is acceptable in the corner location.*

*A detailed public domain plan has been submitted. The City Centre Pavement has recently been changed. This requires a new pavement layout to be submitted with:*

- *The kerb ramps relocated and redesigned.*
- *Different treatment to drive*
- *No decorative banding or margins*
- *150mm x 150mm pavers to the drive.*
- *That the maximum cross fall is 2.5% across the footpath (set out from top of kerb)*

*This aspect could be dealt with by conditioning the DA to submit a revised public domain plan prior to issue of CC that concurs with the new requirements. At this stage it is important that the levels are acceptable and are coordinated between the entrances, the drives, the footpaths and at the kerb ramps.*

#### Planning Comment:

As discussed further within this report, the Alignment Plan has been considered by Council's assets team who consider the street levels are acceptable. Further investigation is however required to ensure that these levels are coordinated with new kerb ramps.

## **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.

### **Height of Buildings**

Clause 21 restricts the height of the building to a maximum height limit of 80m. The proposed height of the building is 72m, which complies with this requirement.

### **Architectural Roof Features**

Clause 21A allows architectural roof features to extend beyond the height limit prescribed by Clause 21. The architectural roof features extend to 75.5m, which is below the maximum height permissible.

### **Floor Space Ratio**

Clause 22 restricts the floor space ratio on the site to a maximum of 5.954:1. The proposed development was the winning entry in a design excellence competition and

was awarded a 10% bonus on the floor space ratio control. The maximum permissible floor space ratio as prescribed in clause 22(2) is 6.55:1. The proposal has a floor space ratio of 6.55:1 (comprising 9673m<sup>2</sup> of floor space), which complies with this requirement.

### **Minimum Building Street Frontage**

Clause 22 requires a minimum street frontage of 20m to at least one street frontage. The subject site has a 35.705m frontage to Hunter Street and a 29.51m frontage to O'Connell Street, which complies with this requirement.

### **Design Excellence**

Clause 22B requires the consent authority to consider whether the proposal exhibits design excellence. In this regard, 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 Excellence Awards. The development will improve the streetscape and quality of the public domain with new perimeter paving, facade treatment and entry artworks.

### **Car Parking**

Clause 22C restricts the maximum car parking permissible for developments within the City Centre.

The proposed development is to provide a maximum of 129 residential spaces (including 21 visitors) and 13 retail/commercial spaces, being a total of 142 car parking spaces.

The application proposes 142 car parking spaces. This complies with the maximum provisions of LEP 2007.

### **Building Separation**

Clause 22D requires the proposed development to have the following building separation to the side and rear boundaries:

0-36m height	Nil to 6m setback
36m – 54m	9m (min) setback
54m – 72m	12m (min) setback

The proposal complies with the above minimum setbacks from the building to the eastern side boundary.

It should be noted that Clause 22D does not apply to the southern side setback adjoining the railway, as there are no neighbouring buildings.

### **Ecologically Sustainable Development**

Clause 22E requires the consent authority have regard to the principles of 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.

### **Special Areas**

Clause 22G requires the consent authority to have regard to the objectives of the identified Special Areas within the City Centre precinct.

The subject site is not located within a Special Area.

### **Exceptions to development standards**

Not applicable. The application is not subject to a Clause 24 variation in respect of any development standards.

### **Outdoor Advertising and Signage**

Clause 29A requires the consent authority to be satisfied of certain matters before granting consent to signage. No signage is proposed as part of this application.

### **Classified Road**

Clause 30 requires the consent authority to consider the impacts of the development on a classified road and whether the traffic noise and emissions will impact upon the sensitive land use. These issues have been discussed in detail within the SEPP (Infrastructure) 2009 section of this report. The proposed development is considered to satisfy this clause.

### **Development in Proximity to a Rail Corridor**

Clause 31 requires the consent authority to ensure that development for the purpose of residential accommodation in the proximity of operating or proposed railways is not adversely affected by rail noise or vibration.

An acoustic assessment prepared by Vipac was submitted with the application to assess the following:

- Impact of external noise intrusion into the development including traffic and rail noise;
- Impacts of rail vibration, and
- Noise emission from the proposed development to any affected neighbours.

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. The report also recommends that detailed acoustic design be carried out at the construction stage and compliance testing be undertaken at the completion of the works.

Consent conditions requiring compliance with the recommendations of the acoustic report have been incorporated within the Recommendation section of this report.

In this regard, it is considered that the proposed development incorporates all practical mitigation measures for rail noise or vibration.

### **Development on Flood Prone Land**

Clause 33A requires the consent authority to consider development on flood prone land. The subject site is not identified as being flood affected.

### **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.

### **Preservation of Trees**

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.

### **Heritage Conservation**

The subject site is not identified as a heritage item. The site is located opposite a heritage item at 14 O'Connell Street, being a group of cottages referred to as the Traveller's Rest Inn Group.

The Travellers Rest Inn Group consists of three properties, being 2 cottages at Nos 12 and 14 and the Travellers Inn at No 16. This house group makes a notable contribution to the townscape due to similarities in age, design, use and materials. This group of cottages is the most intact and earliest group of cottages in all of Parramatta. The group is typical of the Georgian style, rare in Australia and existing only in the very early colonies of NSW and Tasmania. It is representative of the many inns that were its contemporaries in the region and physically representative of others now lost.

Given the single storey nature of the heritage items, any development of the scale which is proposed will impact upon the visual setting of these cottages. The applicant has therefore attempted to provide a "back-drop" to the heritage items by creating a "curtain" of development, which enabled the cottages to stand out in the foreground, when viewed from the northern approach along O'Connell Street. The podium of the development was created to provide a simple curtain of development with appropriate modulation and articulation using a limited pallet of materials and colours to enable the cottages to project forward.

The impacts upon the heritage item have been considered within the architectural design competition, by the Design Review Panel and Council's Urban Design Team and found to be acceptable.

### **Archaeological Sites**

Clause 35(6) requires the consent authority before granting consent to the carrying out of development on an archaeological site, be satisfied that any necessary excavation permit required by the *Heritage Act 1977* has been granted.

The site is listed as being of local significance with no archaeological research potential.

### **Places of Aboriginal Heritage Significance**



Clause 35(6) requires the consent authority, before granting consent to the carrying out of development in a place of Aboriginal heritage significance:

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and
- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 21 days after the notice is sent.

The site is identified as having low sensitivity under the Aboriginal Pleistocene Study.

As the site is only of low sensitivity, local Aboriginal communities were not notified.

### **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 located within an identified historic view corridor. This view corridor incorporates the views east to St Johns Church along Hunter Street available back to Parramatta Regional Park. It is noted that the view corridor incorporates the area of the public road reserve. The only intrusion into this view corridor is the proposed awning, and given the pedestrian amenity provided by the awning, the minor intrusion does not warrant the deletion of the awning.

The building itself has been designed so as not to adversely impact upon this view corridor, with the podium of the development being relatively simple and not unduly modulated or articulated.

## **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:

### **Building Form**

#### Street Alignment

The DCP requires the proposed development to have a continuous built to street edge alignment. The building has a 1.5m setback to Hunter Street and a 1m setback to O'Connell Street, which does not comply with this requirement. The minor variation was considered by the Design Review Panel who noted that the ground floor retail and commercial areas are setback from the street alignments but consider this acceptable in this instance given the corner location and the particular context of the site. No objection was raised by Council's Urban Design Team either in this respect.

#### Street Frontage Type

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.

#### Building Separation

This issue has been discussed elsewhere within the report. The proposed development complies with this requirement.

#### Mixed Use Developments

The proposal satisfies the requirements of DCP2007 as the ground floor provides a floor to ceiling height greater than the required minimum 3.6m to enable flexible land uses on the ground floor. The proposal also provides for security access controls to the building, safe pedestrian routes and does not incorporate any large expanses of blank building walls at ground level.

#### Deep Soil

The DCP requires 15% of the site to be deep soil zone, being approximately 221m<sup>2</sup>. The proposal provides for 180m<sup>2</sup> of deep soil located on the podium Level 2 (minimum soil depth of 1m). This represents approximately 12% 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 occupants of the site.

#### Landscape Design & Planting on Structures

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

### **Pedestrian Amenity**

#### Permeability

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

#### Active Street Frontages and Address

The DCP indicates that an active street frontage is required to both Hunter Street and O'Connell Street. The building would offer an architecturally active street presentation to both streets, with the ultimate use of the proposed commercial and retail spaces at ground floor level being subject to further development consent. The proposal also provides a clear street address, direct access from the street and direct outlook over the street, thereby promoting pedestrian activity and safety in the public domain. The development is considered to satisfy the requirements of the DCP in regard to street activation.

#### Front Fences

No front fence is proposed.

#### Safety and Security

The development is considered acceptable from a CPTED perspective, as the proposed development provides for natural surveillance over the public domain, access control and guardianship of semi public areas.

### Awnings

The DCP does not require an awning for development on the subject site. Notwithstanding this, the application does propose an awning on both street frontages. This design was considered at the architectural design competition and found to be satisfactory as it would not adversely impact upon the streetscape. No objection has been raised by the Design Review Panel or Council's Urban Design Team with respect to the proposed awning.

### Building Exteriors

The building contributes positively to the streetscape by providing quality and robust materials and finishes, including the following:

The proposed finishes of the podium are:

- Main frame of the podium is clad in an azure sandstone tile of yellow colour which will compliment the metallic finish of the four-storey cantilevered "box" section projecting out from the facade
- The infill facade is created by adjustable louvered blinds finished in a satin stainless grey finish
- The western facade is completed with an infill perforated metal screen material in a satin stainless grey finish
- The awning is a horizontal tangerine metal finish for contrast with the colour re-appearing throughout the facade in moderate levels as a connection throughout the building
- The glass balustrades are of frame less glass with clear transparent glazing.

The proposed finishes of the lower and upper tower are:

- Main frame of the podium is clad in a "sandwich" panel of "Alucabond" or "Symonite" finished in a matt grey and contrasting black metallic finish
- The four-storey cantilevered elements are a painted Dulux Lexicon (off-white) finish for simplicity and understatement of colour
- The tangerine highlights reflect the horizontal awning at street level
- The glass balustrades are of frameless glass with clear transparent glazing.

The building provides a richness in detail with differing design elements and use of articulation to complement the existing and future streetscape.

### Advertising and Signage

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

## **Access, Parking & Servicing**

### Pedestrian Access and Mobility

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

### Vehicular Driveways and Manoeuvring Areas

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

Council's Traffic & Transportation Investigation Engineer has reviewed the proposed development and is satisfied with the proposed arrangement for parking, subject to the conditions included in the Recommendation.

### On-site Parking

As noted above, the proposal provides sufficient carparking for the residential and commercial/retail components of the proposed development.

### Site Facilities and Services

Separate waste rooms are provided for the commercial and residential components of the proposed development on the ground floor and basement level 1. Satisfactory access is provided to the waste rooms and the room incorporates a separate general waste and recycling facilities.

## **Environmental Management**

- The proposed materials used within the design will not cause excessive reflectivity.
- The proposal incorporates adequate natural lighting for thermal comfort.
- The proposal displays acceptable initiatives in terms of energy efficiency and water management. The development will need to comply with the commitments of the approved Basix Certificate.
- A satisfactory waste management plan prepared by a specialist waste consultant was submitted with the 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.
- An adequate erosion and sediment control plan was submitted with the application.
- The application provides for adequate stormwater management and will not impact upon the flood liability of any nearby properties. The site is not identified as being flood affected.

## **Residential Development Controls**

### Housing Choice, Affordability & Mix

The proposal has a minor variation to the required unit mix under DCP 2007. The unit mix is shown in the following table.

<b>Apartment Size</b>	<b>DCP 2007</b>	<b>Proposed</b>
1 bedroom	min 10% max 25%	12%
2 bedroom	max 75%	76%
3 bedroom	min 10%	12%

The minor non-compliance is considered acceptable as it involves the provision of 1 x 2 bedroom only. It is unlikely that this non-compliance will have significant impacts upon housing choice within the City Centre.

Twelve (12) adaptable units have been provided as part of the development, representing over 10% of the entire 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.

Adequate parking facilities and access for people with disabilities have also been provided.

#### Noise, Vibration & Electrolysis

The subject site is located within close proximity to a railway corridor and a main road.

An acoustic assessment prepared by Vipac was submitted with the application to assess the following:

- Impact of external noise intrusion into the development including traffic and rail noise;
- Impacts of rail vibration, and
- Noise emission from the proposed development to any affected neighbours.

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. The report also recommends that detailed acoustic design be carried out at the construction stage and compliance testing be undertaken at the completion of the works.

Consent conditions requiring compliance with the recommendations of the acoustic report have been incorporated within the Recommendation section of this report.

#### **Special Areas**

The subject site is not located within a Special Area.

### **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**

The application was referred to Council's Civil Assets Unit who considered the Alignment Plan submitted with the application. Concerns were raised that no provision had been made to demonstrate that the kerb ramps at the corner of Hunter Street & O'Connell Street will comply with the Disability Discrimination Act. It is noted that the new Public Domain Guidelines have been developed with this compliance in mind and therefore the plan will need to reflect this.

A condition requiring the submission of a revised Public Alignment Plan in accordance with Council's Public Domain Guide is incorporated within the Recommendation section of this report.

### **Public Domain Plan**

The applicant submitted a Public Domain Plan with the application, Council's Urban Design Team have reviewed the Public Domain Plan and have provided additional comments with respect to the requirements of the Public Domain Plan to be submitted by the applicant. In this regard, the following comments were received:

*A detailed public domain plan has been submitted. The City Centre Pavement has recently been changed. This requires a new pavement layout to be submitted with:*

- *The kerb ramps relocated and redesigned.*
- *Different treatment to drive*
- *No decorative banding or margins*
- *150mm x 150mm pavers to the drive.*
- *That the maximum cross fall is 2.5% across the footpath (set out from top of kerb)*

A revised Public Domain Plan incorporating the above requirements is to be submitted to Council before the issue of a Construction Certificate.

### **Arts Plan**

A formal arts plan was not submitted with the application. Notwithstanding this, the application proposes the incorporation of artwork as part of the proposed development. 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.

## **S94A DEVELOPMENT CONTRIBUTIONS PLAN – PARRAMATTA CITY CENTRE**

When considering the exemptions for the purposes of calculating Section 94A contributions, the total cost results in \$31,227,900. The proposal requires the payment of S94A development contributions (3% levy) based upon the estimated cost of works.

## **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 however is in the vicinity of heritage items within Hunter Street. The heritage impacts of the proposed development have been discussed within this report.

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

There are no trees greater than 5m tall located within the subject site. It is considered that the 2 x Camphor laurels located within the road verge along Hunter Street are in poor decline and should be replaced as part of the Public Domain Plan. 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. Twelve adaptable units have been provided as part of the development, representing over 10% 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.

## **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 retail and commercial components along Hunter Street and O'Connell Street and location of habitable windows 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.

## **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**

No submissions were received in response to the notification of the application.

Having regard to the assessment within this report, the proposal is considered to be in the public interest for the following reasons:

- The proposal is in accordance with the type of development envisaged for the site under Parramatta City Centre LEP 2007 and its DCP
- The proposal will contribute to the overall commercial viability of the Parramatta CBD
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.

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**

### **APPROVAL SUBJECT TO CONDITIONS**

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/155/2011 for demolition, tree removal and the construction of a 24 storey mixed use development containing 108 units, 2 retail tenancies and 2 commercial tenancies over 4 levels of basement carparking on land at 29 Hunter Street, Parramatta for a period of five (5) years from the date on the Notice of Determination subject to the following conditions:

### **General Matters:**

1. 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:

<b>Drawing N<sup>o</sup></b>	<b>Dated</b>
<b>Site Analysis</b> Job No. 1941 Drawing DA01 – Issue A	11/03/2011
<b>Basement Level 4</b> Job No. 1941 Drawing DA02 – Issue A	11/03/2011
<b>Basement Level 3</b> Job No. 1941 Drawing DA03 – Issue A	11/03/2011
<b>Basement Level 2</b> Job No. 1941 Drawing DA04 – Issue A	11/03/2011
<b>Basement Level 1</b> Job No. 1941 Drawing DA05 – Issue E	25/7/2011
<b>Ground Level</b> Job No. 1941 Drawing DA06 – Issue G	18/10/2011
<b>Ground Level – Mezzanine</b> Job No. 1941 Drawing DA07 – Issue E	25/07/2011
<b>Podium Level 2</b> Job No. 1941 Drawing DA08 – Issue C	04/05/2011
<b>Podium Level 3</b> Job No. 1941 Drawing DA09 – Issue C	04/05/2011
<b>Podium Level 4</b> Job No. 1941 Drawing DA10 – Issue C	04/05/2011
<b>Podium Level 5</b> Job No. 1941 Drawing DA11 – Issue C	04/05/2011
<b>Podium Level 6</b> Job No. 1941 Drawing DA12 – Issue C	04/05/2011
<b>Tower Levels 7-17</b> Job No. 1941 Drawing DA13 – Issue C	04/05/2011
<b>Tower Level 18</b> Job No. 1941 Drawing DA14 – Issue C	04/05/2011
<b>Tower Levels 19-23</b> Job No. 1941 Drawing DA15 – Issue C	04/05/2011
<b>Roof Terrace Level 24</b> Job No. 1941 Drawing DA16 – Issue C	04/05/2011
<b>Roof Plan</b> Job No. 1941 Drawing DA17 – Issue A	11/03/2011
<b>Elevations 1 &amp; 2</b> Job No. 1941 Drawing DA18 – Issue A	11/03/2011
<b>Elevations 3 &amp; 4</b> Job No. 1941 Drawing DA19 – Issue A	11/03/2011
<b>Sections A &amp; B</b> Job No. 1941 Drawing DA20 – Issue C	04/05/2011
<b>Section Details</b> Job No. 1941 Drawing DA21 – Issue C	04/05/2011
<b>Fence &amp; Mail Details</b> Job No. 1941 Drawing DA22 – Issue A	11/03/2011
<b>Waste Management Details</b> Job No. 1941 Drawing DA23 – Issue A	11/03/2011
<b>Typical Unit Layouts</b>	04/05/2011

<b>Drawing N<sup>o</sup></b>	<b>Dated</b>
Job No. 1941 Drawing DA25 – Issue C	
<b>Railway Infrastructure Plan</b> Job No. 1941 Drawing DA30 – Issue G	20/09/2011
<b>Balcony Amendments</b> Job No. 1941 Drawing DA31 – Issue A	22/11/2011
<b>Stormwater Plans</b> Job No. SW11058 Drawing S1 & S2 – Issue A	13/03/2011
<b>Landscape Plans</b> Job No. 11031DA Drawings 1 to 4 – Issue A	10/03/2011

<b>Document N<sup>o</sup></b>	<b>Dated</b>
Acoustic Assessment Report No. 2OC-11-0030-TRP-463149-2 prepared by Vipac	21/03/2011
Waste Management Plan	29/03/2011
Basix Certificate No. 362295M_02	14/03/2011
Schedule of Finishes – 4 pages (Appendix C – Statement of Environmental Effects)	Undated

**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.

2. 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.

3. 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.

4. 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.

5. 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.

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. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street.

**Reason:** To ensure the quality built form of the development.

8. Security doors to the apartment lift lobby on Hunter Street shall be provided. Doors should be provided close to the building line to avoid deep recessed spaces and discourage anti social behaviour.

**Reason:** To ensure an appropriate level of security for occupants.

9. All roof water and surface water is to be connected to an approved drainage system.

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

10. 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.

11. 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 comply with Council requirements.

12. 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 comply with Council requirements.

13. The development shall be carried out in accordance with the requirements of Railcorp as outlined in their letter dated 21 December 2011 that is attached to this consent.

**Note:** This condition is imposed as part of Railcorp's concurrence to the application under Clause 86(3) of the State Environmental Planning Policy (Infrastructure) 2007.

**Reason:** To comply with Railcorp's requirements.

## **Prior to the release of a Construction Certificate:**

14. The developer is to submit detailed design drawings and geotechnical reports relating to the excavation of the site and support structures to the RTA for assessment. The developer is to meet the full cost of the assessment by the RTA.

This report would need to address the following key issues:

- a) The impact of excavation/rock anchors on the stability of O'Connell Street and detailing how the carriageway would be monitored for settlement.
- b) The impact of the excavation on the structural stability of O'Connell Street.
- c) Any other issues that may need to be addressed. (Contact: Geotechnical Engineer Stanley Yuen on phone 8837 0246 or Graham Yip on phone 8837 0245 for details).

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owners of the roadway are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

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

15. Revised plans indicating compliance with the following traffic related matters are to be submitted to the satisfaction of the PCA before the issue of the Construction Certificate:
- (a) 142 off-street parking spaces (including 13 disabled spaces in 4 basement levels of which 2 for visitors and 11 for adaptable units) are to be provided, permanently marked on the pavement and used accordingly. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls & 5.8m aisle width minimum).
  - (b) The dimensions and configuration of the disabled parking spaces (R6, R19 and R39 on basement level 2; R40 & R73 on basement level 3; R74, R87, R92, R93 and R108 on basement level 4) as marked on the plan to be modified to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each).
  - (c) 14 bicycle racks as shown on the plan to be provided and used accordingly.
  - (d) A combined entry & exit driveway (6m wide to the basement levels as shown on the plan with 300mm clearance both sides between kerbs and 4m ramp access width to the loading dock on the ground level) to be provided and constructed according to AS 2890.1- 2004 and Council's specification.
  - (e) Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.

- (f) The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8).
- (g) Column locations are to be installed in accordance with Clause 5 & Figures 5.1 & 5.2 of AS 2890.1-2004.
- (h) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.
- (i) 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.
- (j) 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.
- (k) The minimum available headroom clearance is to be signposted at all entrances and clearance is to be a minimum of 2.2m (for cars and light vans including all travel paths to and from parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004.
- (l) A convex mirror is to be installed on basement levels 1, 2, 3 and 4 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 appropriate access is provided.

16. 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.

17. 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.

18. 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.

19. A monetary contribution comprising **\$936,837.00** 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.

**Reason:** To comply with Parramatta Section 94A Contributions Plan.

20. The Construction Certificate is not to be released unless the Principle Certifying Authority is satisfied that the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

**Reason:** To ensure that the levy is paid.

21. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the Principal Certifying Authority for the development to which the work relates fulfils the following:

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

**Note:** A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the



purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

**Reason:** To comply with the Home Building Act 1989.

22. 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.

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

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

24. Prior to the release of the Construction Certificate design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.

**Note:** Qualified designer in this condition is as per the definition in SEPP 65.

**Reason:** To comply with the requirements of SEPP 65

25. The pocket gardens and common areas to be designed by a qualified landscape Architect, in accordance with details to be submitted to the satisfaction of the Principal Certifying Authority before the issue of the Construction Certificate.

**Reason:** To maximize the quality of the internal landscaped areas.

26. A minimum of 11 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.

27. The property is identified on Council's Flood map as being affected by the probable maximum flood (PMF). The building shall be designed and certified by a suitably qualified practicing engineer to ensure against failure due to flooding. In addition, a Flood Evacuation & Management Plan shall also be prepared by a suitable qualified practicing engineer.

The design and certification of the building and the Flood Evacuation & Management Plan shall be submitted to the satisfaction of the Principal Certifying Authority together with the application for the Construction Certificate.

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.

**Note:** The architectural drawings do not clarify the level of the access stairs in the stairwell which is located immediately adjacent to the basement ramp. In this regard, it is considered that either (i) those stairs should also achieve the same level of basement flood protection, or (ii) the street level door should be water tight and persons in the basement be warned not to use the stairs when the flood warning system has been activated.

**Reason:** To ensure the structure can withstand flooding events.

28. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at <http://www.sydneywater.com.au> then the "e-developer" icon or telephone 13 20 92.

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

**Reason:** Statutory requirement.

29. Stormwater shall be connected to the kerb and gutter as indicated on the stormwater drainage plan by 'alw design' dwg No. : SW11058- S2 Issue A, dated 14/03/2011. Prior to the issue of Construction Certificate, the detailed drainage plan shall include a section in elevation showing the headroom clearance below the proposed on-site detention tank complying with the requirements of AS2890.1 and AS2890.2 respectively as required for the designated vehicles using this area on site.

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

30. 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:
    - The permissible site discharge (PSD) rate; or
    - The rate of inflow for the one hour, 5 year ARI storm event.
  - (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
  - (d) A 100 mm freeboard to all parking spaces.
  - (e) Submission of full hydraulic details and pump manufacturers specifications.
  - (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.
  - (g) Pump storage tank shall be increased in size to contain 7.0m<sup>3</sup> in volume.

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.

31. No work shall start on the storm water system until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:
- a. The final drainage plans are consistent with the Concept Drainage Plans with the notations there on, approved with the Development Consent.

Note: *The reference SW11058- S1 & S2 as Concept Plans are concept in nature only and not to be used for construction purposes as the construction drawing. Rectified Stormwater plan addressing all the issues and notes marked on the approved stormwater plan shall be prepared with details, and submitted with the application for Construction Certificate to the Principal Certifying Authority for approval.*
  - b. The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.
  - c. The design achieves

- A Site Storage Requirement of 470 m<sup>3</sup>/ha and a Permissible Site Discharge of 80 L/s/ha (as per 3<sup>rd</sup> edition of UPRTC's handbook).
- When using the Extended/Flood detention method (4<sup>th</sup> edition of UPRTC's handbook), the Site Reference Discharge (Lower Storage), SRD<sub>L</sub> of **40** l/s/ha, Site Storage Requirement (Lower Storage) SSR<sub>L</sub> of **300**m<sup>3</sup>/ha and Site Reference Discharge (Upper Storage), SRD<sub>U</sub> of **150** l/s/ha, Site Storage Requirement (Total) SSR<sub>T</sub> of 455m<sup>3</sup>/ha as per the submitted OSD calculation.
- The headroom clearance below the proposed on-site detention tank shall comply with AS2890.1 and AS2890.2 as required for the designated vehicles using this part of the site.

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

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

32. The consultant drainage engineer shall certify the capacity of the OSD tank prior to the issue of Construction Certificate to match the calculated volume as required by the Upper Parramatta Catchment Trust OSD handbook, Form B1, Drainage Design Summary sheet.

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

33. A truck manoeuvring template is to be certified by a qualified practicing Traffic Engineer to the satisfaction of the PCA prior to the release of a Construction Certificate. In this regard, the template shall identify that a designated waste-collection truck is able to turn within the proposed building and leave the site in forward direction.

**Reason:** To ensure that adequate manoeuvrability is provided on site for waste vehicles.

34. 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.

35. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of

documentary evidence to the Principal Certifying Authority which confirms that satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of the Construction Certificate.

**Reason:** To minimise costs to Council.

36. 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.

- (c) 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:

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

- ii. 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.
- iii. 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.

37. 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 Councils 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.

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

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

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. Any exhaust ventilation from the car park is to be ventilated 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.

41. The proponent shall submit to the Principal Certifying Authority and Council, a Construction Noise Management Plan prior to the issue of the construction certificate as described in the NSW Department of Environment, Climate Change and Water Interim Noise Construction Guidelines 2009. The Construction Noise Management Plan must describe in detail the methods that will be implemented during the construction phase of the project to minimise noise impacts on the community.

The Construction Noise Management Plan must include:

- Identification of nearby residences and other sensitive land uses
- Assessment of expected noise impacts
- Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts
- Community Consultation and the methods that will be implemented for the whole project to liaise with affected community members to advise on and respond to noise related complaints and disputes.

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

42. The reflectivity index (expressed as a percentum 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. 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.
44. 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.
45. Electricity provision to the site is to be designed so that it can be connected underground when the street supply is relocated underground. Certification from Endeavour Energy addressing their requirements for this provision is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.  
**Reason:** To enable future upgrading of electricity services.
46. 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.
47. 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.
48. 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):



- Basement Ramp width shall be minimum 5.5m.
- All vehicles are to enter and exit the site in forward direction.
- Width of vehicular crossing shall be minimum 6.2m or as it is required by AS2890.2 -2002 Table 3.1
- Commercial Vehicles parking and clearance height shall comply with 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.

49. The applicant is required to submit a final Arts Plan to the satisfaction of Council's Senior Strategic Project Manager that details the provision of high quality artworks accessible by the public within the development prior to the issue of the construction certificate. Documentation to be submitted includes design concepts, site plan for artworks, construction documentation and project management.

**Reason:** To ensure an appropriate Arts Plan is submitted.

50. A revised 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 2 street trees (*Camphor Laurels*) are to be removed and are to be replaced with 2 x *Lophostemon confertus* (Brush Box) in a minimum 45litre pot size in accordance with Councils Standard Street Tree Planting / Pit specifications. The new trees are to be planted a minimum distance of 10m apart.
- Revised and updated pavement plan with the kerb ramps relocated and redesigned, different treatment to drive, no decorative banding or margins and 150mm x 150mm pavers to the drive.

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

51. 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.

52. 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.

53. Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 (2001) - Design for Access and Mobility - General Requirements for Access - New Building Work. This requirement shall be reflected on the Construction Certificate plans.

**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

54. Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:

- (a) entrance
- (b) lift or bank of lifts; and
- (c) sanitary facility

This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

**Reason:** To ensure equity of access and appropriate facilities are available for people with disabilities in accordance with Federal legislation.

55. Acoustic measures are to be incorporated within the design in accordance with the recommendations outlined within Section 5 of the Acoustic Assessment Report No. 2OC-11-0030-TRP-463149-2 prepared by Vipac dated 21 March 2011. These measures are to be reflected within the Construction Certificate.

**Reason:** To protect the amenity of the future occupants of the site and adjoining properties.

### **Prior to Commencement of Works:**

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

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

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

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

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

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

- (a) enclosing and making the site safe. Any temporary protective structures must comply with the "Guidelines for Temporary Protective Structures (April 2001)";
- (b) induction training for on-site personnel;
- (c) inspection and removal of asbestos and contamination and other hazardous materials;
- (d) dust control. Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site;
- (e) disconnection of Gas and Electrical Supply;
- (f) fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed;
- (g) access and egress. No demolition activity shall cause damage to or adversely affect the safe access and egress of this building;
- (h) waterproofing of any exposed surfaces of adjoining buildings;
- (i) control of water pollution and leachate and cleaning of vehicles tyres. Proposals shall be in accordance with the "Protection of the Environmental Operations Act 1997";
- (j) working hours, in accordance with this Development Consent;
- (k) confinement of demolished materials in transit;
- (l) proposed truck routes, in accordance with this development consent; and
- (m) location and method of waste disposal and recycling in accordance with the "Waste Minimisation and Management Act 1995".

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

**Reason:** To provide a Work Method Statement.

59. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:

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

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

60. 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 Work Cover Authority licence.

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

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

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

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

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

63. 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.

64. 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.

65. 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.

66. 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.

67. 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.

68. 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.

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

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

**Reason:** To maintain pedestrian and vehicular safety during construction.

70. 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.

71. 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.

72. 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:

- (a) 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.
- (b) 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.
- (c) 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).
- (d) The existing groundwater levels in relation to the basement structure, where influenced.
- (e) 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.

- (f) 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.
- (g) The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:
  - (i) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
  - (ii) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
  - (iii) No changes to the ground water level are to occur during the construction of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.
  - (iv) Vibration is to be minimised or eliminated to ensure no adverse impact on the surrounding property and infrastructure occurs, as a result of the construction of the development.
  - (v) Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
  - (vi) An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870 - 1996.

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

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

- all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- all site boundaries are to be secured and maintained to prevent unauthorised access to the site



- all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis
- the site is to be maintained clear of weeds
- all grassed areas are to be mown on a monthly basis

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

74. 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.

75. 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.

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

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

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

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

77. 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.

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

## **During Construction or Works:**

78. 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.
79. 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.
80. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.  
**Reason:** To protect the amenity of the area.
81. 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.
82. 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.
- 82A. 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 (e.g. loading and unloading of goods, transferring tools etc) in 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 (e.g. 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.

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

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

The complaints register shall be made available to Council and/ or the principal certifying authority upon request.

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

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

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

**Reason:** To ensure appropriate disposal of asbestos materials.

87. All bonded and friable asbestos waste material on-site shall be handled and disposed off-site at a Department of Environment and Climate Change licensed waste facility by an DECC licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 1996 and the EPA publication Assessment, Classification and Management of Liquid and Non-Liquid Wastes 1999 and any other regulatory instrument as amended.

**Reason:** To ensure appropriate disposal of asbestos materials.

88. 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.

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

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

90. The vehicular entry/exits to the site within Council's road reserve must prevent sediment from being tracked out from the development site. This area must be laid with a non-slip, hard-surface material which will not wash into the street drainage system or watercourse. The access point is to remain free of any sediment build-up at all times.

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

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:  
E.g. 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. 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.

94. A 200mm wide grated drain, with heavy duty removable galvanised grates is to be located within the site at the intersection of the driveway and Council's footway to collect all surface water flowing down the driveway. The drainage line from the grated drain shall be connected to the street system, either separately or via the main site outlet.

**Reason:** Stormwater control.

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

**Reason:** To provide and maintain drainage.

96. 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.

97. 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.
98. All trees supplied above a 25 L container size for the site must be grown and planted in accordance with *Clarke, R 1996 Purchasing Landscape Trees: A guide to assessing tree quality. Natspec Guide No.2*. Certification that trees have been grown to Natspec guidelines is to be provided upon request of Council's Tree Management Officer.  
**Reason:** To minimise plant failure rate and ensure quality of stock utilised
99. 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.
100. No materials (including waste and soil), equipment, structures or good of any type are to be stored, kept or placed within 5 m from the trunk or within the drip line of any tree.  
**Reason:** To ensure the protection of the tree(s) to be retained on the site.
101. A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.  
**Reason:** To ensure the development is being built as per the approved plans.

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

102. An application for street numbering shall be lodged with Council for approval, prior to the issue of a Subdivision Certificate, which ever occurs first.  
**Note:** Notification of all relevant authorities of the approved street numbers shall be carried out by Council.  
**Reason:** To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.
103. 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.
104. 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.

105. 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. 362295M\_02, will be complied with prior to occupation.

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

106. Acoustic measures are to be carried out in accordance with the recommendations outlined within Section 5 of the Acoustic Assessment Report No. 20C-11-0030-TRP-463149-2 prepared by Vipac dated 21 March 2011. Appropriate monitoring and certification that the works have been carried out and are achieving the recommended noise levels is to be submitted to the satisfaction of the Principal Certifying Authority before the issue of the Occupation Certificate.

**Reason:** To protect the amenity of future occupants of the site and adjoining properties.

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

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

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

The record must include details of:

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

109. 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.

110. A Notification Agreement outlining the electrical construction requirements and associated fees shall be obtained from an energy provider prior to the release of the linen plans.

**Reason:** To ensure electricity supply is available to all properties.

111. 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.

112. 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.

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

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



114. 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.

115. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at [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 the issue of an Occupation Certificate.

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

116. All works approved within the Public Domain Plan are to be carried out to the Satisfaction of Council's Supervisor civil Assets before the issue of an Occupation Certificate.

**Reason:** To ensure public domain works are complete.

117. The artworks are to be installed to the satisfaction of Council's Senior Strategic Project Manager prior to the issue of the occupation certificate.

**Reason:** To ensure that the Arts Plan is implemented appropriately.

118. A "No Stopping" restriction for a minimum distance of 20 m from the intersection of O'Connell Street shall be installed on the southern side of Hunter Street before the issue of an Occupation Certificate. It is noted that installing of "No Stopping" restriction will require approval from the local traffic committee.

**Reason:** To satisfy the requirements of the RTA.

### **Use of the Site:**

119. The specific commercial and/or retail use or occupation of the ground floor tenancies 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.

120. 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.

121. 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.

122. All loading and unloading shall take place within the designated loading areas on the subject property.

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

123. To preserve the streetscape, roller shutters are not to be placed over the entrance or the windows of the commercial premises. Any security grill is to be located on the inside of the glass shop front and must be an open grille and see through.

**Reason:** To provide an appropriate streetscape appearance.

### **Advisory Notes:**

- (a) All demolition and construction vehicles and activities are to be contained wholly within the site or on Hunter Street as a work zone permit will not be approved on O'Connell Street.
  - (b) A Road Occupancy Licence should be obtained from the RTA for any works that may impact on traffic flows on O'Connell Street during construction activities.
  - (c) All costs associated with the proposed development shall be at not cost to the RTA or Council.
- (b) Further that** a copy of the determination of the application be forwarded to Railcorp and the Roads & Maritime Services (former RTA).