

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

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**SUMMARY**

**Application details**

DA No:	DA/571/2011
Assessment Officer:	Kate Lafferty
Property:	29 & 29A Campbell Street – Parramatta Lot 1 DP 711586 & Lot 1 DP 306043
Proposal:	Demolition, tree removal and construction of a 9 storey mixed use development containing 70 residential units and 2 commercial suites over basement carparking including strata subdivision
Cost of works:	\$12,585,990
Date of receipt:	18 August 2011
Applicant:	Saade Construction Pty Ltd
Owner:	Saade Construction Pty Ltd
Submissions received:	No submissions received
Property owned by a Council employee or Councillor:	No
Council application:	No
Issues:	Building separation
Recommendation:	Approval subject to conditions
Determination:	The development will be determined by the Western Sydney Joint Regional Planning Panel as the cost of development exceeds \$10 million.

## Legislative Requirements

Zoning:	Mixed Use B4
Permissible under:	Parramatta City Centre LEP 2007
Relevant legislation/policies:	SEPP65, Parramatta City Centre Plan DCP 2007
Variations:	Building separation, unit mix, car parking
Integrated development:	No
Crown development:	No
Designated development:	No

## The site

Site Area:	1685m <sup>2</sup>
Easements/rights of way:	The submitted survey does not indicate any easements or restrictions existing upon the subject site
Heritage item:	No
In the vicinity of a heritage item:	No
Site History:	<p>DA/924/2000 dated 18 April 2001 approved an application to demolish the existing dwelling and erect 4 pre fabricated dwellings, bedrooms, 2 living/inside recreation areas, 5 program rooms, 5 offices &amp; 10 stacked car parking spaces (29 &amp; 29A Campbell Street)</p> <p>DA/2194/2001 dated 5 February 2002 approved an application to carry out internal alterations to the existing buildings &amp; use the site as a child care centre for 40 child (29 Campbell Street)</p> <p>A pre-lodgement meeting was held on 30 March 2011 for the proposed mixed use development (PL/20/2010).</p> <p>A prelodgement application (PL/49/2011) for a 9 storey mixed use</p>

development was submitted for DRP review on 27 May 2011. This was considered by the Parramatta Design Review Panel on Wednesday 20 July 2011.

## DA history

18 August 2011	DA lodged
8 September 2011	Additional information requested <ul style="list-style-type: none"> <li>➤ Alignment Plan</li> <li>➤ Solar Access</li> <li>➤ Plans Providing Calculations</li> <li>➤ Floor to Ceiling Height</li> <li>➤ Public Arts Plan</li> </ul>
31 Aug 2011 to 21 Sept 2011	DA notified
29 Sept 2011	JRPP Briefing Advise applicant of JRPP Briefing comments
21 October 2011	Additional information submitted public art & alignment plan
25 October 2011	Advise applicant of alignment plan issues
28 October 2011	Additional information submitted (amended landscape plan)
31 October 2011	Additional information submitted (amended alignment plan)
11 November 2011	Additional information submitted (amended plans & requested information)

## SECTION 79C EVALUATION

### SITE & SURROUNDS

The site is located on the southern side of Campbell Street between Marsden Street and Church Street, Parramatta. The site contains 2 separate allotments of land and is legally described as Lot 1 in DP306043 and Lot 1 in DP711586.

The site is rectangular in shape and has a north-south orientation. The site has the following dimensions:

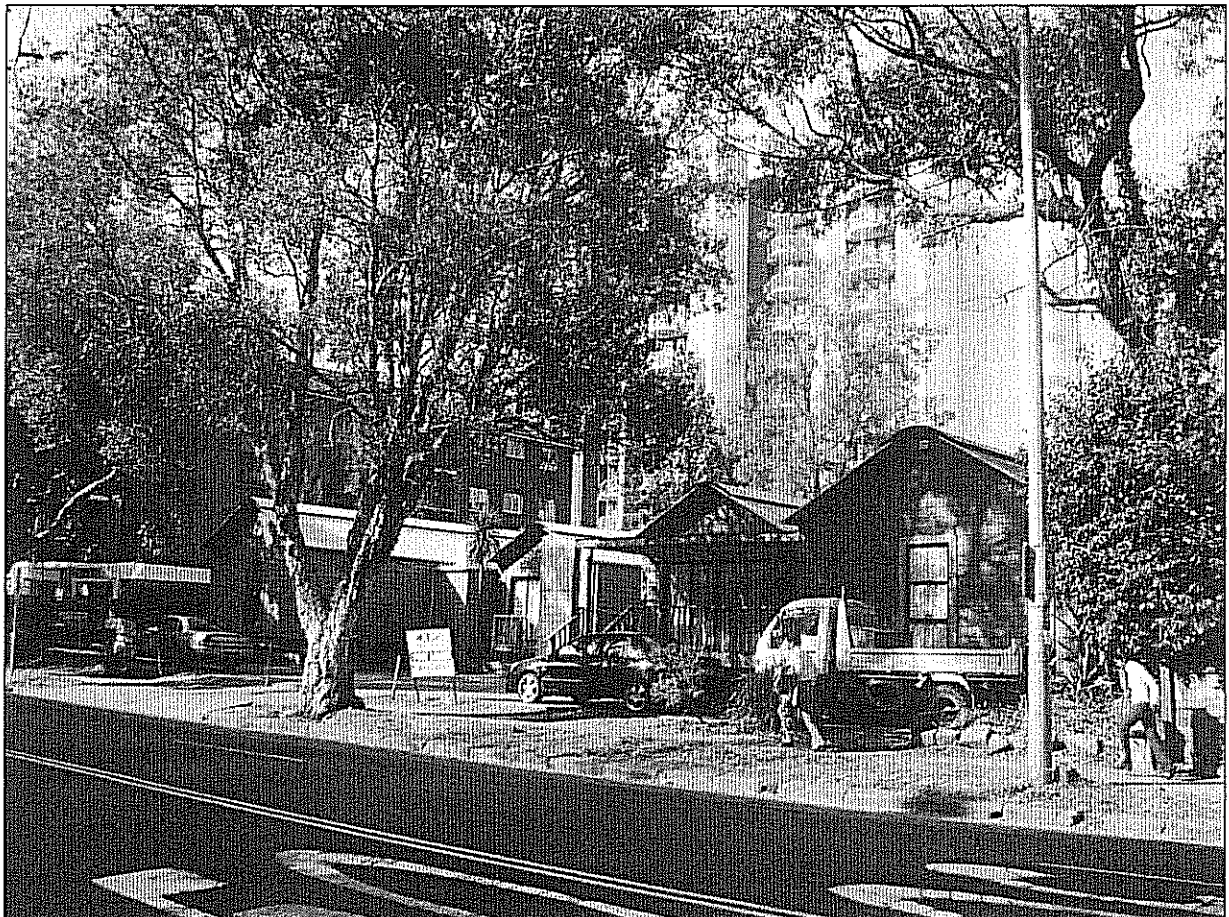
- Northern (front) boundary is 35.34m
- Eastern (side) boundary is 47.05m
- Southern (rear) boundary is 36.07m
- Western (side) boundary is 47.76m.

The combined site area is 1685m<sup>2</sup>.

The site has a fall from the rear to the street of approximately 5.1m.

The site is currently was previously for various community related services, including a childcare centre and a women's health clinic. The child care centre is currently vacant and the site contains a mix of uses on short term leases. Improvements on the site consist of 7 weatherboard clad, aluminium roofed, demountable buildings positioned adjacent to the side and rear boundaries. In between, there is a paved area providing 5 car spaces. Behind the demountable buildings is a shaded, outdoor play area (previously used by the child care centre), as well as other children's recreational facilities.

The site is surrounded predominantly by residential development and is located opposite the car park & loading entries to Westfield Shopping Centre.



**View of the subject site from Campbell Street**

## BACKGROUND

A pre-lodgement meeting was held on 30 March 2011 for the proposed mixed use development (PL/20/2010). Issues of concern raised included the provision of commercial units below street level, amount of soft landscaping, basement car park size, SEPP 65 issues (separation, kitchens without natural ventilation, kitchen locations, storage in garage), housing diversity mix and height.

Another pre-lodgement application (PL/49/2011) for a 9 storey mixed use development was submitted for Council review on 27 May 2011. This application was considered by the Parramatta Design Review Panel on Wednesday 20 July 2011. The following outlines the comments of the Panel at that meeting:

*"The Campbell Street ground floor entry is of a minimal size given that it serves seventy units as well as two ground floor professional suites. It is recommended that an appropriately sized foyer, with in-scale entry doors, is provided.*

*The landscaping proposal to the north along Campbell Street is questioned by the Panel, particularly the grass finish on the deep soil area and the water feature creating an ongoing maintenance problem. A more urban solution is suggested.*

*Given that the northern façade presents the most important image of the building, the panel recommends a number of changes which would give the block a better presence which a development of this scale deserves. The broken up facade made up of different materials, colours and shading devices does not reflect the internal configuration which is uniform for each floor above ground level. This would suggest a vertical expression of the northern balconies at each level similar to that on the east and west facades. This will reinforce the Campbell Street entrance, which is somewhat insignificant in the current proposal. It is also suggested that a symmetrical awning is integrated into the design to help reinforce the entry.*

*The width of the western walkway should be increased to aid personal surveillance.*

*It is noted that the number of car spaces provided for one space per unit, .i.e. 70 spaces, 2 for commercial and none for visitors. The panel supports this given the proximity of the railway station and the nearby public car park stations.*

*Internally, entries to the northern and southern units are adjacent to the adjoining flats resulting in a cluster of entries to a rather narrow lobby/corridor. It is suggested that the entries to the north and south units be shifted northwards and southwards respectively in order to help separate the entries.*

*The Panel recommends that a detailed site analysis be submitted as this is of great assistance in assessing the concept within its context. The analysis should therefore include information of neighbouring properties, distance to transport hubs, number of storeys etc and not just wind direction and sun paths."*

The Design Review Panel did not require the application to be referred back to them once the DA was lodged. The current application was therefore referred to Council's

Urban Design Unit to assess the application in light of the DRP comments. This has been discussed further within the report.

Notwithstanding the above, it appears that the majority of issues have been addressed, however the basement car park extends outside the building envelope (restricting deep soil planting along side boundaries).

## THE PROPOSAL

Approval is sought for demolition, tree removal and construction of a 9 storey mixed use development containing 70 residential units and 2 commercial suites over 2 levels of basement car parking including strata subdivision. The details of the application are as follows:

- Commercial floor space = 130m<sup>2</sup>
- 70 residential units - 6 x 1 bedroom, 58 x 2 bedroom & 2 x 3 bedroom (this includes 7 adaptable units)
- 70 x residential car parking spaces (including 7 accessible) and 2 x commercial car parking spaces. A separate car was bay is also provided. Bicycle storage is also provided on Basement Level 1
- Loading bay on Basement Level 2
- Vehicular access via 5.5m driveway on Campbell Street
- Communal open space is provided on the roof = 590m<sup>2</sup>

There are a number of trees on site proposed to be removed. In addition, there are 3 large paperbarks located on the road reserve, 2 of which are proposed to be removed to enable the driveway to the development.

It is noted that the original plans submitted contained a different unit mix, being 2 x 1 bedroom dwellings, 66 x 2 bedroom dwellings and 2 x 3 bedroom dwellings. The unit mix was amended following issues raised by Council and the Western Sydney Joint Regional Planning Panel.

## 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

No external referrals were required for the application.

## INTERNAL REFERRALS

### Traffic & Transport Investigations Engineer

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

#### Existing Development

1. *The site contains a building that is currently used for various community related services, including a childcare centre and a women's health clinic. The site is located on the southern side of Campbell Street between Marsden Street and Church Street South and is opposite Westfield Shopping Centre.*

#### Proposed Development

2. *The proposed development seeks approval for the demolition, tree removal and construction of a 9-storey mixed use development containing 70 residential units and 2 commercial suites over 2 basement carparking areas including strata subdivision*
3. *The details of the proposed development as per submitted plans, SEE and Traffic Report are summarised below:*
  - *70 residential apartments – 2 x 1 bedroom units; 66 x 2 bedroom units; 2 x 3 bedroom units*
  - *2 commercial suites – 130m<sup>2</sup> GFA (62m<sup>2</sup> GFA and 68m<sup>2</sup> GFA respectively)*
  - *33 parking spaces (30 spaces for residents, 2 spaces for commercial/visitors and 1 carwash bay/visitor) in basement level 1 and 39 parking spaces for residents and 1 motorcycle and bicycle spaces in basement level 2*
  - *All vehicular access is provided off Campbell Street.*

#### Parking Requirements

4. *Council's City Centre LEP 2007 specifies the following parking rates:*
  - *Residential component – "1 space per dwelling plus 1 space per 5 dwellings for visitors" = 84 spaces (including 14 spaces for visitors)*
  - *Commercial – "1 space per 100m<sup>2</sup>" = 2 spaces*

*Total = 86 parking spaces are required to be provided on-site*

Note: The above parking rates are set at a maximum numerical requirement, not a minimum. The consent authority may therefore consent to parking numbers less than the maximum allowable amount of parking.

### **Traffic Generation**

5. *The Traffic Report indicated that the traffic expected to be generated by the proposed development based on the RTA Guide to Traffic Generating Developments would equate to 20 vtp/h during the peak periods.*
6. *The Traffic Report further stated that "That projected future level of traffic generation potential should however, be offset or discounted by the volume of traffic which could reasonably be expected to be generated by the existing uses of the site, in order to determine the nett increase (or decrease) in traffic generation potential expected to occur as a consequence of the development proposal. The RTA Guidelines do not nominate a traffic generation rate for Women's Health Centres, and it is likely that vehicular activity generated by the Centre could fluctuate significantly, depending on the activities occurring on the site on the day. It is safe to assume however that the nett increase (or decrease) in traffic generation potential of the site as a consequence of the development proposal will be somewhat less than 21 peak hour vehicle trips. That projected increase in traffic activity as a consequence of the development proposal is statistically insignificant and will clearly not have any unacceptable traffic implications in terms of road network capacity".*

### **Parking Provision and Layout**

6. *The Traffic Report states that the proposed development provides 74 parking spaces on-site. However, the basement plans show 72 parking spaces (including 2 commercial/visitor, 1 carwash bay/visitor spaces and 7 disabled parking spaces).*
7. *The parking layout in the basement levels 1 and 2 is acceptable. The dimensions of the parking spaces and aisle width comply with AS 2890.1-2004 except for the last parking space (residential on basement level 1) located on the northern end of the building adjacent to the wall, which needs to be changed to 2.7m wide. The dimensions and configuration of the disabled parking spaces comply with AS 2890.6-2009.*
8. *The loading bay dimensions for a small rigid truck is acceptable.*
9. *Accordingly, the on-site parking provision (72 spaces), as per submitted plans, complies with Council's City Centre LEP 2007 (Amendment 4) and is acceptable.*

### **Access Arrangement**

11. *Access into and out of the site is provided via a combined driveway located towards the eastern end of property boundary. The Traffic Report stated that "The site access driveway which is planned to serve the subject site has been*



located opposite the left-turn exit from the Westfield carpark in order to minimise vehicular conflicts with vehicles accessing the subject site, such that vehicles turning left when departing the Westfield carpark will not interfere with vehicle movements turning in or out of the subject site”.

12. It is noted that delivery vehicles to be used for the proposed development are vans and small rigid trucks (6.4m long). The loading dock is to be located on basement level 1 adjacent to the garbage rooms. Vehicular access to the loading dock is provided via the proposed access driveway located opposite the left-turn exit from Westfield carpark.
13. The gradients along the access driveway and through to the basement levels 1 and 2, as shown on the plan, 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 Campbell Street and the surrounding road network. The proposal can be supported on traffic & parking grounds provided that the width of the last parking space (residential on basement level 1) located on the northern end of the building adjacent to the wall is to be changed to 2.7m according to AS 2890.1-2004 and 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:

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

Four (4) trees are proposed to be removed for this development application. None of the trees are considered to be significant specimens and tree replenishment is included in the landscape proposal for the site.

Trees to be removed are (refer to Arboricultural Impact Assessment by Urban Tree Management (Ref No – 13163) dated 3 May 2011):

<b>Tree No</b>	<b>Name</b>	<b>Common Name</b>	<b>Location</b>	<b>Reason</b>
3 & 4	<i>Melaleuca quinquenervia</i>	Paperbark	Street	Proposed driveway and services
5	<i>Casuarina glauca</i>	Swamp She-Oak	Rear	Poor form
7	<i>Celtis sinensis</i>	Nettle Tree	Rear	Unsuitable location/semi-mature
8	<i>Cinnamomum camphora</i>	Camphor Laurel	Rear	Included branches

9	<i>Casuarina glauca</i>	Swamp She-Oak	Rear	Young tree/unsuitable location
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### **Impact on adjoining trees**

Two (2) *Melaleuca quinquenervia* (Paperbark) street trees will be required to be removed for this development application. Street Tree replenishment is included in the landscape proposal for the site. This has been approved by an Open Space referral.

### **Landscape**

The Landscape Plan by Zenith Landscape Designs (Drawing No – 11-2406/Rev 'B'/Sheets 1-4) dated 29 October 2011 submitted to Council has been completed in accordance with Council's relevant DCP and shall be incorporated into the development consent. The plan has addressed the issues of screening and tree replenishment using a mixture of native plant species.

### **REASONS SUPPORTED**

To allow demolition, tree removal and construction of a nine storey mixed use development containing 70 residential units and 2 commercial suites over basement car parking including strata subdivision.

### **CONCLUSION**

The proposal does satisfy the requirements of Council's controls and can be supported.

### 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 proposes the removal of street trees due to the location of the driveway. The following comments were received:

- Campbell Street contains an existing avenue of *Melaleuca quinquenervia* – this should be respected and retained as much as possible;
- Only consider the removal of 1 x Street Tree (*Melaleuca quinquenervia*) required - with the other two to be retained and protected;
- Any street trees (*Melaleuca quinquenervia*) removed are to be replaced with the same species of an advanced size (Minimum 100L) in accordance with Councils Standard Street Tree Planting / Pit specifications.

### Planning Comment:

The applicant was requested to address this issue and consider the relocation of the driveway to the western boundary. This would therefore require the removal of only one street tree. This option however would also require the removal of a tree in the private property at No. 27 Campbell Street. The applicant submitted a written response which reads as follows:

*It shall be noted that driveways serving the Westfield Shopping Centre carpark and loading dock extend across the full width of the subject site frontage, on the opposite (ie. northern) side of Campbell Street. The site access driveway which is planned to serve the subject site has been located opposite the left-turn exit from the Westfield carpark in order to minimise vehicular conflicts with vehicles accessing the subject site, such that vehicles turning left when departing the Westfield carpark will not interfere with vehicle movements turning in or out of the subject site.*

*If the driveway is to be relocated on the western side of the site it will interfere with the existing Telstra pits located at the frontage of the property. Also at the same location there is an existing light pole and electricity pillar. Driveways must be away at least 2m from any communication or electrical services (approx.. 500mm from electricity pillar). In saying that, it will not be feasible to relocate the driveway or alternatively redesign it outside the SRZ to protect the root system of the tree on the adjoining property.*

*Trees 3 & 4 do have a high retention value, however dependent on council, a feasible option may be to supply super advanced replacement trees to reduce the loss of amenity.*

*Two Melaleuca quinquinervia – Broad-leaved Paperbark (same species) – 1x at 4 m from the entry/exit driveway for the site to maintain suitable visual clearance and another on the western side approx. 3 m from the property boundary. Due to normal expected underground services, maximum container size would be 80 litre. This will maintain the avenue planting for the species. If selected from a reliable source such as Trees Impact – Ph (02) 4234 2700, these will also be of good crown structure without any branch bark inclusions which is a typical structural defect for this taxa that can lead to failure. Trees 3 & 4 do have these present and may one day predispose them to potential failure.*

*Also, within the front of the site where the deep soil planting area exists 2x super advanced specimens of Waterhousia floribunda – Weeping Lillypilly in 400 litre containers should be located. These will provide a pseudo street tree affect, maintain the landscape amenity and in greater numbers than the trees removed providing a net increase in the local amenity for the short to medium term.*

Following receipt of the written response, Council's Open Space and Recreation Team reviewed the information and commented as follows:

*Retention is preferred; however if removal is required, we support the use of 2 x advanced 100ltr Melaleuca quinquinervia – Broad-leaved Paperbark (same species) as per outlined below. However the applicant has not provided tree pit construction details for the proposed replacement trees in Councils nature strip. These should be consistent with Councils standard Public Domain Guidelines and include root barriers.*

Planning Comment:

Given the circumstances of the case, it is considered reasonable to allow the removal and replacement of the 2 street trees adjoining the subject development

site. 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.

### **Urban Design**

The application was referred to Council's Urban Design Unit who raised the following issues:

#### **Building Separation**

*Building separation is important to ensure adequate solar access and privacy of residents and neighbouring developments. The development will not meet SEPP 65 recommendations for a 12m separation between habitable rooms. The proposal provides a separation of 8-11m to the windows and balconies of 27 Campbell Street and 8.5 - 9.8m to the windows and balconies of 31 Campbell Street). Additionally, the 11.5m separation to the neighbouring building to the rear also does not meet SEPP 65.*

#### Planning Comment:

A Clause 24 variation has been submitted for the non-compliance with building separation under LEP 2007. These separation distances are the same as that required by SEPP65. This issue is discussed in further detail within the report.

#### **Solar Access**

*SEPP 65 recommends a minimum of 3 hours of direct sun to the living areas of 70% of apartments in winter. From the shadow diagrams supplied, it appears that the east facing apartments (units 1,2,3,8,9,10 etc) will receive less than 2 hours of direct sun to living areas between 9am-3pm on the winter solstice. This would mean that a maximum of 61.5% of apartments would have sufficient sun in winter.*

*Additionally, this is based only on the shadows cast by the proposal itself, and does not consider the shadows cast by the adjacent residential flat buildings, which would further reduce the percentage of units with adequate solar access.*

#### Planning Comment:

The applicant has submitted detailed plans and elevations indicating the amount of solar access both received to the proposed development, and received to neighbouring properties. The solar access is considered acceptable and is discussed in further detail under the Residential Flat Design Code section of this report.

#### **Natural Ventilation**

*SEPP 65 recommends that 60% of apartments to be naturally ventilation where as only 40% comply in the proposal.*

Planning Comment:

The provision of maximum cross flow ventilation is generally restricted to the units with dual aspects. This equates to 34 dwellings. Ventilated skylights have been provided within the upper floor of the proposed development which increases the number of units being naturally ventilated to 57%. All other units will achieve some cross flow however these paths of circulation are not as simple as the majority of dwellings within the development. The minor non-compliance is considered acceptable as the amenity of the dwellings is not significantly compromised.

**Dwelling Mix**

*The dwelling mix varies considerably from the DCP 2007, is heavily concentrated in 2 bedroom apartments (94.4%) and provides little housing choice for the city centre.*

Apartment Size	DCP 2007	Proposed
1 bedroom	min 10% max 25%	2.8%
2 bedroom	max 75%	94.4%
3 bedroom	min 10%	2.8%

Planning Comment:

Amended plans have been received which modifies the unit mix within the proposed development. The application has increased the number of 1 bedroom units from 2 to 6 and the number of 3 bedroom units from 2 to 6. The amended unit mix is therefore shown in the following table.

Apartment Size	DCP 2007	Proposed
1 bedroom	min 10% max 25%	8.5%
2 bedroom	max 75%	83%
3 bedroom	min 10%	8.5%

The unit mix has been improved, however still does not comply with the controls of DCP2007. The minor non-compliance is considered acceptable as the shortfall in units represents 1 x 1 bedroom dwelling and 1 x 3 bedroom dwelling only. It is unlikely that this shortfall will have significant impacts upon housing choice within the City Centre.

**Street Activation**

*The ground floor commercial tenancies should have separate pedestrian entries off Campbell Street to activate the street frontage.*

Planning Comment:

It is considered that separate pedestrian entries are not warranted for the proposed development. The proposal already has 3 entry points across the street boundary, being 2 pedestrian paths and a driveway. The proposal has a common pedestrian entry with access to the commercial and residential components of the building. It is considered that this shared entry provides better activation and natural surveillance of the external foyer area. The provision of 3 separate pedestrian entries to the frontage of the building would also substantially decrease the amount of landscaping to this building frontage and potentially create confusion as to appropriate access, which is not a desirable outcome.

### **Communal Open Space**

*The amenity of the rooftop open space should be improved by replacing the proposed artificial turf with a robust paving material and softening the hard landscape works with additional planting.*

#### Planning Comment:

Amended plans have been submitted reducing the amount of soft fall surfaces and increasing the hard paving on the rooftop.

### **Public Domain Comments**

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

#### **Footpath**

- The footpath should be full width City Centre paving (Pebblecrete PPX288 - Alluvium) as per the Public Domain Guidelines.
- The paving should be set out perpendicular from the back of kerb.
- Please note the 1800mm clear path of travel along the property boundary and the maximum allowable grades and crossfalls.

#### **Driveway**

- The driveway should be reduced in width to a maximum of 5.4m as per the City Centre DCP 2007 (refer p32 Figure 3.4 Vehicular Footpath Crossings).
- The driveway should be redesigned as per the Public Domain Guidelines (refer Chapter 6 City Centre p33 Figure 6.2.21 Driveway with 150x150 Pavers and Concrete Layback).
- Please note the 900mm driveway wings and the maximum allowable cross falls for the driveway section.

#### Planning Comment:

Discussions have been held with Council's Development Engineer regarding the maximum width of the driveway at the street. No objection is raised to reducing the width from 8.2m, however it is considered that a minimum 5.5m width is required (instead of 5.4m). It is considered that a 100mm non-compliance with the DCP2007 will not adversely impact upon pedestrian movement or safety.

### **Civil Assets**

The application was referred to Council's Civil Assets Unit who considered the Alignment Plan submitted with the application and comment as follows:

*The new alignment plan is accepted. The applicant will need to submit a Public Domain Plan in accordance with Council's Public Domain Guide to the Civil Assets Team for approval prior to issue of the Construction Certificate.*

#### Planning Comment:

A condition requiring the submission of a Public Domain Plan 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 31 August 2011 to 21 September 2011. In response, no submissions were received.

### **Amended Plans**

Yes

#### **Summary of amendments**

The plans were amended to increase the number of 1 bedroom and 3 bedroom dwellings in the development. These amendments did not change the overall number of units and did not alter the location of windows or balconies within the development.

### **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. The application is not subject to Clause 101 of the SEPP as the site does not have frontage to a classified road. The application is not subject to Clause 102 of the SEPP as the average daily traffic volume of Campbell Street is less than 40,000 vehicles.

### **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 within 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 = 34m Dwg depth = 11m	No Yes
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys)	8m – 11m separation to adjoining windows/balconies to the west (No.27)  8.5m-9.8m separation to adjoining windows/balconies to the east (No. 31)  11.5m separation to southern/rear property (no balconies to this elevation)	No (this issue is discussed in further detail within this report)
Storage	1 bedroom 6m3 2 bedroom 8m3 3 bedroom 10m3	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 heights	Minimum 2.7m	2.7m	Yes

Min. Apartment size	1 bedroom 50m <sup>2</sup> 2 bedroom 70m <sup>2</sup> 3 bedroom 95m <sup>2</sup>	1 bed = 52m <sup>2</sup> 2 bed = 73m <sup>2</sup> – 81m <sup>2</sup> 3 bed = 97m <sup>2</sup>	Yes Yes Yes
Open Space	The area of communal open space should be between 25-30% of the site area (25%=421m <sup>2</sup> ).	Communal open space is provided on the roof = 590m <sup>2</sup> or 35% Limited communal at ground level	Yes
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone (25%=421m <sup>2</sup> ).	15% or 252m <sup>2</sup>	<b>No</b> (however the amount of deep soil does comply with the requirements under LEP2007)
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	8 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)	65.7%	<b>No</b> (see discussion below table)
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	All SW-SE apartments have dual aspect	Yes
Natural ventilation	60% of units should be naturally cross ventilated	60%	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 has a depth of 34m, the dwellings have a maximum depth of 11m. Given the dwellings receive sufficient natural ventilation and the majority of habitable rooms are

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

### **Building Separation**

The RDFC recommends buildings are to be located with a 12m separation between habitable rooms (up to 4 storeys) 18m separation between habitable rooms (5-8 storeys).

The proposed development has the following separation distances:

- 8m – 11m separation to adjoining windows/balconies to the west (No.27 Campbell Street)
- 8.5m-9.8m separation to adjoining windows/balconies to the east (No. 31 Campbell Street)
- 11.5m separation to southern/rear property (No. 22 Great Western Highway). There are no balconies to this elevation

The non-compliance with the separation distances are primarily a result of the smaller setbacks of the buildings on the adjoining properties. The proposed development generally achieves a 6m setback to all boundaries of neighbouring properties (with the exception of the balconies to the east and west). It is considered unreasonable to expect any development on this site to provide excessive setbacks to compensate for non-complying setbacks on adjoining properties. This is particularly the case if there are no significant impacts upon the amenity of the adjoining properties. The impacts upon separation of buildings has been discussed in detail within this report and it is considered that the proposed separation distances are acceptable.

Parramatta LEP2007 requires minimum separation distances between buildings and their boundaries. The minimum separation required for the proposed development is 6m. The proposed balconies encroach within this setback. This non-compliance has been discussed elsewhere within this report and is considered acceptable under the circumstances of this case.

### **Solar access**

The RFDc provides "rules of thumb" controls for solar access. This recommends that 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).

The City Centre is considered to be a dense urban environment. The applicant has provided solar access details in plan, elevation and tabulated format. This information addresses both impacts upon future occupants of the site and impacts upon neighbours.

- **Impacts upon future occupants of the site**

The application demonstrates that 45 dwellings receive greater than 2 hours solar access. Infact, these dwellings receive between 4 – 6 hours of solar access. This equates to 65.7% of the dwellings within the proposed development. The remaining 24 dwellings receive 1hr 15min of solar access.

The outcome is that the development achieves the objectives of the "rule of thumb" in the Residential Flat Design Code. The minor variation to the 70% guideline is offset by the large number of dwellings that achieve 1.15 hours and the provision of a large outdoor communal area on the roof of the building. Whilst the number of dwellings achieving two hours is 4.3% below the rule of thumb, the remaining dwellings perform well despite there being no expectation that they achieve close to the two hours.

The minor variation of 4.3% is therefore considered acceptable.

- **Impacts upon neighbours**

No. 27 Campbell Street (western property) – the proposed development will create minor overshadowing to the rear of the building at 9am in the morning, however no windows to this development are affected. There is no other impact during the day upon this building.

No. 31 Campbell Street (eastern property) – the proposed development will overshadow part of the rear of the building from approximately 12:30pm. The shadows will be further cast along this wall as the afternoon progresses. Notwithstanding this, the most affected dwellings (to the rear of the building) will maintain approximately 2hr 15 mins solar access between 10:15am and 12:30pm. All other dwellings will receive a greater amount of solar access.

No. 22 Great Western Highway (southern property)

- Low rise building – the western half of the building facing the site will receive solar access between approximately 11am to 3pm (4 hrs) whilst the eastern half of the building facing the site will receive solar access between approximately 1pm to 3pm (2 hrs).
- High rise building – the 2 lower floors facing the site will be most affected by the proposed development, particularly within the afternoon. The building will still receive solar access (to the balconies) between approximately 9am to 12pm (3hrs).

All affected neighbouring properties will therefore retain a minimum of 2 hours solar access, which is considered an acceptable design outcome, particularly within a dense urban environment.

**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 site analysis submitted with the application is considered to be appropriate in terms of dictating the overall form of development for the site. The proposal is

considered satisfactory in terms of its visual impact upon the local urban environment.

#### Building Design

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

### **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 28m. The proposed height of the building is 27.5m, 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 do extend beyond the maximum height permissible. The lift over-run located on the rooftop exceeds the height limit. This equipment for servicing is fully enclosed and has been integrated into the design of the building, which is considered acceptable.

#### **Floor Space Ratio**

Clause 22 restricts the floor space ratio on the site to a maximum of 3.5:1. The proposal has a floor space ratio of 3.49:1 (comprising 5891m<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 35.34m frontage to Campbell 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 involving both the Design Review Panel and Council input at pre-lodgement stage. 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 84 residential spaces (including 14 visitors) and 2 commercial spaces.

The application proposes 72 car parking spaces. This enables the provision of 1 car space per dwelling and 1 car space for each commercial premises. This complies with the maximum provisions of LEP 2007. The car parking provided is considered satisfactory and although a further 12 spaces could be provided under the planning controls, the development adequately provides for the needs of the future occupants of the site. The site is located where it has excellent access to public transport and shopping facilities. The shortfall in parking provision is supported by Council's Traffic Engineer.

### **Building Separation**

Clause 22D requires the proposed development to have a building separation of 6m to the side and rear boundaries.

The proposal maintains a 6m setback from the building to the rear boundary.

The proposal maintains a 6m setback from the building to the side boundaries. However, a number of balconies are located on the eastern and western elevations which project beyond the building line and have a separation distance of 5.4m from the boundary. This represents a 600mm encroachment into the minimum required setbacks.

The building separation therefore does not comply with this requirement and a Clause 24 variation has been submitted to vary this standard. This matter is discussed in further detail within this report.

### **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

The application is subject to a Clause 24 variation in respect of the building separation provision of Clause 22D of LEP2007. Clause 24 permits variations where compliance is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify contravening the standard.

As discussed earlier, Clause 22D requires the proposed development to have a building separation of 6m to the side and rear boundaries.

The proposal maintains a 6m setback from the building to the rear boundary and maintains a 6m setback from the building to the side boundaries. However, a number of balconies are located on the eastern and western elevations which project beyond the building line and have a separation distance of 5.4m from the boundary. This represents a 600mm encroachment into the minimum required setbacks.

The applicant has submitted the following justification for the variation to the building separation requirements of LEP2007, which reads inter alia:

*"The amended drawing set provides additional information relating to the building to building separation (see sheet 05.38). As a point of clarification, we note that the "building", in terms of enclosing walls, achieves the 6 metre setback requirement for the site. It is the provision of balconies that come within 5.4 metres of the boundary. As a result, the issue relating to the 5.4 metre setback is more of a privacy issue rather than light and ventilation issues that centre on the building setbacks.*

*The additional material includes details of the location and nature of adjoining buildings. They verify that there is only one balcony on the eastern neighbouring building which may be affected. The balcony is offset from the proposed balcony on the subject site and therefore there is not a direct line of sight into that space. As the balcony is offset, the proposed balcony will exceed the 6 metre setback to the boundary, along the line of sight.*

*Equally, the building to the west has a balcony opposite the proposed building but that balcony has a small, non-trafficable area, facing the subject site. The principle area of use is on the northern elevation and protected from line of sight by a recessed section of the building. There are no other balconies opposite the development site, the remainder being towards the rear of the development site.*

*The remaining parts of the building that are opposite balconies are primarily bathroom or bedrooms. These rooms are generally accepted as having less visual privacy concerns given the ability, and likelihood, that they will use their own curtain/blinds etc to maintain privacy. This privacy is supplemented by the proposed landscape solution. The rooms in question are within a three storey building and readily screened by modest tree planting (which are proposed within the setback).*

*The planter box arrangement down the western setback has also been altered to facilitate trees reaching a greater mature height. This has been done by joining previous separate planter boxes and therefore allowing greater plant penetration to deep soil."*



Building separation is an important design element that is contained within the Residential Flat Design Code (SEPP65) and Parramatta LEP2007 (and associated DCP2007).

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

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

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

Parramatta DCP 2007 also identifies the importance of building separation and states that *"setbacks allow ventilation, daylight access and view sharing and increase privacy."* The objectives in respect to building separation within DCP2007 are:

- *To ensure an appropriate level of amenity for building occupants in terms of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy.*
- *To achieve usable and pleasant streets and public domain areas in terms of wind mitigation and daylight access.*

In this regard, the overall objectives of building separation will not be compromised by the proposed development for the reasons outlined below.

- The building is appropriately orientated and configured and is of a scale and nature envisaged for the local area.
- The provisions of privacy are suitably addressed. This has been discussed above with respect to the type and nature of habitable areas adjoining the proposed balconies. It is also noted that the application proposes the planting of Blueberry Ash along the western boundary to further minimise the impacts of the lesser separation distances. These trees will grow to between 6m-8m which will provide some screening at the lower levels between the developments.

- The dwellings will be provided with ample sunlight whilst not denying the sunlight and otherwise development potential for future development on adjoining properties.
- The encroaching balconies do not create any significant impacts upon the amenity of adjoining properties.
- There are no significant views to be shared by the adjoining properties to the east and west of the subject site or impacted by the proposed development.
- Suitable open space is provided for residents of the development.
- The proposal provides adequate deep soil for stormwater management, site beautification and visual privacy.
- The balcony encroachments are minor design elements only that will not significantly impact upon ventilation between buildings.
- The separation distances to the side boundaries do not impact upon the useability or attractiveness of the street and public domain areas in terms of wind mitigation and daylight access.

It is considered therefore that the non-compliance with the development standard will not compromise the public interest and that there are sufficient planning grounds warranting support for a variation to the development standard. The minor encroachment of the balconies into the required separation distance to the boundaries is not inconsistent with the objectives of the development standard or the objectives of the Mixed Use zone.

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

### **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.

### **Heritage Conservation**

The subject site is not identified as a heritage item. There are 2 heritage items within the vicinity of the site, being:

39 Campbell Street – David Lennox's house  
47 Campbell Street – Masonic Centre

Given the nature of the site and the item, the separation between proposed works and the heritage item and the favourable configuration of grounds, it is deemed that the proposal will not have any adverse impact on the heritage values of the nearby items.

### **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 having no archaeological significance.

### **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.

## **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 & Street Frontage Type

The DCP requires the proposed development to have a minimum 6m street setback. The building has a 7m street setback which complies with this requirement.

No street frontage type is identified for this site.

##### Building Separation

This issue has been discussed elsewhere within the report.

##### Mixed Use Developments

The proposal satisfies the requirements of DCP2007 as the ground floor provides a floor to ceiling height of 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 blank building walls at ground level.

##### Deep Soil

The DCP requires 15% of the site to be deep soil zone, being approximately 252m<sup>2</sup>. The proposal provides for 252m<sup>2</sup> of deep soil primarily within the front and rear setbacks. This complies with Council's requirements. In addition, a passive recreational space is provided on the roof top for the enjoyment of future occupants of the site.

##### Landscape Design & Planting on Structures

The development provides landscaping in different areas, including:

- The landscape strips along the side boundaries (this area is primarily a visual buffer between the building and the adjoining properties)
- Landscaping on the front setback to provide an attractive street frontage

- Landscaping at the rear for common passive recreation
- Landscaped outdoor common rooftop area.

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 Campbell Street. The building would offer an architecturally active street presentation to the streets, with the ultimate use of the proposed commercial 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

The proposal provides for a low block wall front fence which enables a physical barrier between public and semi public spaces whilst maintaining the opportunity for natural surveillance in to, and out of the site. The fence also promotes the entry point to the development to control access.

### 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.

### Building Exteriors

The building contributes positively to the streetscape by providing quality and robust materials and finishes, including a combination of grey and off-white face brick with rendered masonry walls (colours including red, white and grey) and alucobond materials. The building also 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 Campbell 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, notwithstanding that it falls short of the maximum number of spaces permitted.

Given that the site is located in good proximity to public transport, no objection is raised to the provision of parking.

### Site Facilities and Services

A garbage room is located adjacent to the loading area at within the basement. Access is provided to the garbage room 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.

Although Campbell Street is not identified as a main road, the applicant has submitted an acoustic report outlining the potential impacts of traffic noise upon the development, and the impacts of mechanical plant and vehicular access upon

neighbouring properties. The report has found that the proposed development is acceptable providing minor modifications to the design are carried out. These modifications mainly involve suitable glazing treatment to windows of the building. Consent conditions requiring compliance with the recommendations of the acoustic report have been incorporated within the Recommendation section of this report.

## **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.

Apartment Size	DCP 2007	Proposed
1 bedroom	min 10% max 25%	8.5%
2 bedroom	max 75%	83%
3 bedroom	min 10%	8.5%

The minor non-compliance is considered acceptable as the shortfall in units represents 1 x 1 bedroom dwelling and 1 x 3 bedroom dwelling only. It is unlikely that this shortfall will have significant impacts upon housing choice within the City Centre.

Seven adaptable units have been provided as part of the development, representing 10% of the entire residential component, which complies with the requirements of DCP2007. Adequate parking facilities and access for people with disabilities have also been provided.

### Noise, Vibration & Electrolysis

The subject site is not located within close proximity to a railway corridor or main road.

## **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.

An Alignment Plan was submitted for Council's consideration. This plan generally indicates acceptable footpath levels and gradients for the proposed development. Council's Civil Assets section have reviewed and approved the Alignment Plan.

Council's Urban Design Team have also reviewed the Alignment 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:

#### **Footpath**

- The footpath should be full width City Centre paving (Pebblecrete PPX288 - Alluvium) as per the Public Domain Guidelines.
- The paving should be set out perpendicular from the back of kerb.
- Please note the 1800mm clear path of travel along the property boundary and the maximum allowable grades and crossfalls.

#### **Driveway**

- The driveway should be reduced in width to a maximum of 5.4m as per the City Centre DCP 2007 (refer p32 Figure 3.4 Vehicular Footpath Crossings).
- The driveway should be redesigned as per the Public Domain Guidelines (refer Chapter 6 City Centre p33 Figure 6.2.21 Driveway with 150x150 Pavers and Concrete Layback).
- Please note the 900mm driveway wings and the maximum allowable cross falls for the driveway section.

As mentioned earlier within this report, discussions have been held with Council's Development Engineer regarding the maximum width of the driveway at the street. No objection is raised to reducing the width from 8.2m, however it is considered that a minimum 5.5m width is required (instead of 5.4m). It is considered that a 100mm non-compliance with the DCP2007 will not adversely impact upon pedestrian movement or safety.

A detailed 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. This artwork is in the form of 3 flat bar spheres ranging in diameter from 400mm. No objection was raised to the proposed art by Council's Urban Design Team

## **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**

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 building separation 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 Campbell Street. The heritage impacts of the proposed development have been discussed within this report.

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

Two street trees will be removed and replaced for this development application. Four trees on site are also required to be removed, however do not significantly contribute to the local area. 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. Seven adaptable units have been provided as part of the development, representing 10% of the entire residential component. 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 component along Campbell Street and location of habitable windows facing the street 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**

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

<b>SUITABILITY OF THE SITE</b>
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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

That the Western Sydney Joint Regional Planning Panel as the consent authority is of the opinion that the variation under Clause 24 of *Parramatta Local Environmental Plan 2007* to Clause 22D of the Parramatta Local Environment Plan 2007 is supportable. That the Western Sydney Joint Regional Planning Panel is also of the opinion that strict compliance with the development standard is unreasonable and unnecessary in the circumstances of this case as the proposal satisfies the objectives of the development standard and will not compromise the amenity of the locality.

#### **AND**

That the Western Sydney Joint Regional Planning Panel, as the consent authority, being satisfied that the variation under Clause 24 of *Parramatta Local Environmental Plan 2007* is supportable and that granting consent to Development Application DA/571/2011 is consistent with the aims of the LEP, grant consent to Development Application No. DA/269/2009 for the demolition, tree removal and construction of a 9 storey mixed use development containing 70 residential units and 2 commercial suites over basement carparking including strata subdivision on land at 29 & 29A Campbell Street, Parramatta as shown on approved plans, 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:

Drawing N <sup>o</sup>	Dated
<b>Unit Breakdown/Basix Commitments</b> Job No. 27743 Drawing 02.38 – Issue B	04/11/2011
<b>Site Plan</b> Job No. 27743 Drawing 05.38 – Issue B	04/11/2011
<b>Demolition</b> Job No. 27743 Drawing 06.38 – Issue B	04/11/2011
<b>Basement Level 1</b> Job No. 27743 Drawing 07.38 – Issue B	04/11/2011
<b>Basement Level 2</b> Job No. 27743 Drawing 08.38 – Issue B	04/11/2011
<b>Ground Floor Plan</b> Job No. 27743 Drawing 09.38 – Issue B	04/11/2011
<b>Levels 1-3 (Adaptable)</b> Job No. 27743 Drawing 10.38 – Issue B	04/11/2011
<b>Levels 4-5</b> Job No. 27743 Drawing 11.38 – Issue B	04/11/2011
<b>Levels 6-8</b> Job No. 27743 Drawing 12.38 – Issue B	04/11/2011
<b>Roof Plan</b> Job No. 27743 Drawing 13.38 – Issue B	04/11/2011
<b>North Elevation</b> Job No. 27743 Drawing 14.38 – Issue B	04/11/2011
<b>South Elevation</b> Job No. 27743 Drawing 15.38 – Issue B	04/11/2011
<b>East Elevation</b> Job No. 27743 Drawing 16.38 – Issue B	04/11/2011
<b>West Elevation</b> Job No. 27743 Drawing 17.38 – Issue B	04/11/2011
<b>Section A-A</b> Job No. 27743 Drawing 019.38 – Issue B	04/11/2011
<b>Streetscape &amp; Front Fence</b> Job No. 27743 Drawing 20.38 – Issue B	04/11/2011
<b>Adaption Detail</b> Job No. 27743 Drawing 028.38 – Issue B	04/11/2011
<b>Sedimentation Control Plan</b> Job No. 27743 Drawing 29.38 – Issue B	04/11/2011
<b>Separation of Buildings</b> Job No. 27743 Drawing 37.38 & 38.38 – Issue B	04/11/2011
<b>Landscape Plan – Ground Floor</b> Drawing No. 11-2406 – Sheet 1 of 4 - Revision B prepared by Zenith Landscape Designs	29/10/11

<b>Drawing N<sup>o</sup></b>	<b>Dated</b>
<b>Landscape Plan – Ground Floor</b> Drawing No. 11-2406 – Sheet 2 of 4 - Revision B prepared by Zenith Landscape Designs	29/10/11
<b>Landscape Plan – Roof &amp; Details</b> Drawing No. 11-2406 – Sheet 3 of 4 - Revision B prepared by Zenith Landscape Designs	29/10/11
<b>Existing Tree &amp; Details Plan</b> Drawing No. 11-2406 – Sheet 4 of 4 - Revision B prepared by Zenith Landscape Designs	29/10/11
<b>Site &amp; Roof Drainage Plan</b> Drawing No. 11MB4622/D01 – Sheet 1 of 4 – Issue B prepared by United Consulting Engineers Pty Ltd	09/08/2011
<b>Upper Basement Drainage Plan</b> Drawing No. 11MB4622/D02 – Sheet 2 of 4 – Issue A prepared by United Consulting Engineers Pty Ltd	11/04/2011
<b>Lower Basement Drainage Plan</b> Drawing No. 11MB4622/D03 – Sheet 3 of 4 – Issue A prepared by United Consulting Engineers Pty Ltd	11/04/2011
<b>Drainage Plan - Details</b> Drawing No. 11MB4622/D04 – Sheet 4 of 4 – Issue A prepared by United Consulting Engineers Pty Ltd	11/04/2011

<b>Document N<sup>o</sup></b>	<b>Dated</b>
Access Compliance Report prepared by PSE Access Consulting	10/03/2011
Waste Management Plan	09/08/2011
Basix Certificate No. 391046M	11/08/2011
Arborist Report – reference 13163 prepared by Urban Tree Management	3/05/2011
Noise Assessment Report No. 610.07939.05331 – Revision 0 prepared by SLR	10/08/2011
Photomontage & Material Schedule (cover page)	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 lobbies on Campbell 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. Trees to be retained are (refer to Arboricultural Impact Assessment by Urban Tree Management (Ref No – 13163) dated 3 May 2011):

Tree No	Name	Common Name	Location	DBH Diameter at breast height	Tree Protection Zone (m)
1	<i>Eucalyptus</i>	Southern	34 Great	520mm	4.5

	<i>botryoides</i>	Mahogany	Western Hwy - Rear		
2	<i>Melaleuca quinquenervia</i>	Paperbark	Street	940mm	6.0
6	<i>Cupressus glabra</i>	Arizona Cypress	31 Campbell St - Rear	320mm	3.0

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

12. Trees to be removed are(refer to Arboricultural Impact Assessment by Urban Tree Management (Ref No – 13163) dated 3 May 2011) :

Tree No	Name	Common Name	Location
3 & 4	Melaleuca quinquenervia	Paperbark	Street
5	Casuarina glauca	Swamp She-Oak	Rear
7	Celtis sinensis	Nettle Tree	Rear
8	Cinnamomum camphora	Camphor Laurel	Rear
9	Casuarina glauca	Swamp She-Oak	Rear

**Reason:** To allow appropriate development of the site.

13. 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.

14. 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.

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

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) 72 off-street parking spaces (including 2 commercial/visitor, 1 carwash bay/visitor spaces and 7 disabled parking spaces) 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 and 6.2m aisle width. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space).

- (b) The dimensions and configuration of the disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space).
- (c) Motorcycle and bicycle spaces in as shown in basement level 2 plan are to be provided and permanently marked on the pavement and used accordingly.
- (d) A combined entry and exit driveway (6m wide with 300mm clearance both sides between kerbs) off Campbell Street is 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 Heavy Duty Vehicular Crossing plan (DS9).
- (g) Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 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 to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.
- (l) A convex mirror is to be installed within the ramp access (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.

**Reason:** To ensure 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 Councils 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 **\$377,579.65** 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.
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. 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.

26. Stormwater shall be connected to the kerb and gutter within the property frontage in Campbell Street with the site stormwater system shall be constructed in general as indicated on the approved concept stormwater plan sheet 1 to 4, dwg No. 11MB4662/D01 Issue B, D02 -D04 Issue A dated April 27, prepared by United Consulting Engineers P/L.

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

27. 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.

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.

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

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

Note: *The reference Concept Plans are concept in nature only and not to be used for construction purposes as the construction drawing. Rectified Stormwater plan addressing all the issues and notes marked on the approved stormwater plan shall be prepared with details, and submitted with the application for Construction Certificate to the Principal Certifying Authority for approval.*

- b. The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.
- c. The design achieves
  - 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 UPRCT's handbook).
  - When using the Extended/Flood detention method (4<sup>th</sup> edition of UPRCT'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 300m<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.
  - All retaining walls surrounding the OSD shall be watertight to ensure no leakage on the adjoining environment.
  - Stormwater discharge pipe to the street kerb and gutter shall be RHS galvanised at 1% grade minimum.
  - 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.

29. Should any proposed work be undertaken where it is likely to disturb or impact upon a public utility installation (eg power pole, Telstra pit etc) written confirmation from the affected utility provider (eg. Integral Energy / Telstra) that they have agreed to the proposed 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 public 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.

30. 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.

31. Prior to the commencement of any works on the site the applicant must submit, a Construction and/or Traffic Management Plan to the satisfaction of the Principle Certifying Authority. The following matters must be specifically addressed in the Plan:

(a) Construction Management Plan for the Site

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

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

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

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

- (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.

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

In order to apply for a driveway crossing, you are required to complete the relevant application form with supporting plans, levels and specifications and pay a fee in accordance with Council's adopted 'Fees and Charges' at the time of payment.

**Note 1:** This development consent is for works wholly within the property. Development consent does not imply approval of the footpath or driveway levels, materials or location within the road reserve, regardless of whether the information is shown on the development application plans.

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

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

- 33. 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.

34. 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.

35. 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.

36. 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

37. 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.

38. Prior to the issue of a Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The civil/traffic engineer shall provide specific written certification on the plans that:
- a. Vehicular access can be obtained using grades of 25% (1 in 4) maximum and

- b. All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the scraping of the underside of the vehicles.

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

39. 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.

40. 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.

41. 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.

42. 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.

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

**Reason:** To ensure car parking complies with Australian Standards.

44. 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.

45. The applicant is required to submit all additional documentation to Council that details the realisation of the Arts Plan through design concepts, site plan for artworks, construction documentation and project management prior to issue of the construction certificate.

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

46. A Public Domain Plan in accordance with the Parramatta City Council's Public Domain Guidelines is to be submitted to the satisfaction of Council 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 (*Melaleuca quinquenervia*) removed are to be replaced with the same species of an advanced size (minimum 100 litre) in accordance with Councils Standard Street Tree Planting / Pit specifications.
- The footpath should be full width City Centre paving (Pebblecrete PPX288 - Alluvium) as per the Public Domain Guidelines.
- The paving should be set out perpendicular from the back of kerb.
- Note the 1800mm clear path of travel along the property boundary and the maximum allowable grades and crossfalls.
- The driveway should be reduced in width to a maximum of 5.5m
- The driveway should be redesigned as per the Public Domain Guidelines (refer Chapter 6 City Centre p33 Figure 6.2.21 Driveway with 150x150 Pavers and Concrete Layback).
- Note the 900mm driveway wings and the maximum allowable cross falls for the driveway section.



- Tree pit construction details for the proposed replacement trees in Councils nature strip are to be consistent with the Public Domain Guidelines and include root barriers.

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

47. 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.

48. 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.

49. 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.

50. Acoustic measures are to be incorporated within the design in accordance with the recommendations outlined within Section 5 of the Noise Assessment Report No. 610.07939.05331 – Revision 0 prepared by SLR dated 10 August 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:**

51. 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.

52. 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

53. 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.

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

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

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

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

56. 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.

57. 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

58. 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.

59. 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.

60. 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.

61. 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.
62. 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.
63. 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.
64. 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.
65. 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.

66. 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.

67. 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 C1 of AS 2870 - 1996.

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

68. 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.

69. 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.

70. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service (NDBYD) on 1100 to received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

**Reason:** To prevent any damage to underground utility services.

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

- 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.

72. 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.

73. Each Tree Protection Zone (TPZ) is to be established prior to any works commencing around those trees that are to be retained as shown in the Arboricultural Impact Assessment by Urban Tree Management (Ref No – 13163) dated 3 May 2011. The area is to be enclosed with protective fencing consisting of 1.8m high fully supported chain-wire link or welded mesh fence. The area enclosed shall be designated a "No-Go Zone" and is required to be kept weed and grass free for the entire duration of works. "Tree Protection Zone" signage is to be attached to protective fencing; this must include the name and contact details of the site Arborist.

**Reason:** To protect the trees to be retained on the site during construction works.

74. Prior to works commencing, tree protection signage shall be attached to each tree protection zone, displayed in a prominent position and the sign repeated where the fence changes direction. Each sign shall contain in a clearly legible form, the following information:

- (a) That the tree protection zone is a No Go Zone
- (b) This fence has been installed to prevent damage to the trees and their growing environment both above and below ground and access is restricted
- (c) The name, address, and telephone number of the developer and site Arborist.

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

75. The consent from Council is to be obtained prior to any pruning works being undertaken on any tree, including tree/s located in adjoining properties. Pruning works that are to be undertaken must be carried out by a certified AQF Level 3 Arborist. This includes the pruning of any roots that are 30mm in diameter or larger.

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

### **During Construction or Works:**

76. 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.

77. 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.
78. 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.
79. 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.
80. 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.
81. All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.  
**Reason:** To protect the amenity of the area.
82. 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.

83. Noise emissions and vibration must be minimised and work is to be carried out in accordance with Department of Environment and Conservation guidelines for noise emissions from construction/demolition and earth works which are to comply with the provisions of the Protection of the Environment Operations Act 1997.  
**Reason:** To ensure residential amenity is maintained in the immediate vicinity.
84. 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.
85. 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.
86. 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.
87. 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.
88. 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.
89. 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.

90. Unless otherwise specifically approved in writing by Council, all works, processes, storage of materials, loading and unloading associated with the development are to occur entirely on the property. The applicant, owner or builder must apply for specific permits available from Council's Customer Service Centre for the undermentioned activities on Council's property pursuant to Section 138 of the Roads Act 1993:

- (a) On-street mobile plant:  
Eg. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.
- (b) Storage of building materials and building waste containers (skips) on Council's property.
- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.
- (d) Kerbside restrictions, construction zones:  
The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

**Reason:** Proper management of public land.

91. 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.

92. 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.

93. 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.

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

**Reason:** To provide satisfactory drainage.

95. 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.

96. 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

97. 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.

98. The trees identified on the endorsed plans and identified within the submitted Tree Report as being retained shall be protected prior to and throughout the demolition/construction process in accordance with the '*Tree Protection During Construction*' notes contained within the Arboricultural Impact

Assessment by Urban Tree Management (Ref No – 13163) dated 3 May 2011 and the relevant conditions of this consent.

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

99. The applicant is responsible for the safe removal and stump grinding of the *Melaleuca quinquenervia* street trees located in the Campbell Street frontage. The applicant shall plant two (2) *Melaleuca quinquenervia* (Paperbark) trees supplied in 100 litre containers and planted with a setback of three (3) metres from any driveway. Each tree is to be a minimum height of 2.0 metres at planting and is to be maintained at all times. All trees are to be grown and planted in accordance with Natspec - Clarke .R, *Specifying Trees: A guide to the assessment of tree quality*, 2003.

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

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. All excavation within three (3) metres from the tree/s identified to be retained on site is to be supervised by an AQF Level 3 arborist, who shall undertake any remedial work, including the pruning of roots, if necessary.

**Reason:** To provided adequate protection of trees

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

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

103. 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:**

104. 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.

105. 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.

106. 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.

107. 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. **391046M**, will be complied with prior to occupation.

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

108. Acoustic measures are to be carried out in accordance with the recommendations outlined within Section 5 of the Noise Assessment Report No. 610.07939.05331 – Revision 0 prepared by SLR dated 10 August 2011. Appropriate certification that the works have been carried out is to be submitted to the satisfaction of the Principle Certifying Authority before the issue of the Occupation Certificate.

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

109. 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.

110. 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.

111. 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.

112. The landscaping shall be completed in accordance with the consent and approved plans, prior to occupation or use of the premises and shall be maintained at all times.

**Reason:** To ensure landscaping is completed in accordance with the approved plans and maintained.

113. 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.

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

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

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

115. Prior to 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.

116. 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.

117. 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.

118. All works approved within the Public Domain Plan are to be carried out to Council's satisfaction before the issue of an Occupation Certificate.

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

119. The artworks are to be installed to the satisfaction of Council prior to the issue of the occupation certificate.

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

### **Prior to the issue of a Subdivision Certificate:**

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

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

121. The Linen plan of subdivision shall conform with Council's Development Consent No DA/571/2011 and all relevant conditions there under.  
**Reason:** To ensure compliance with the development consent.
122. A Notification Agreement outlining the electrical construction requirements and associated fees shall be obtained from Integral Energy prior to the release of the linen plans.  
**Reason:** To ensure electricity supply is available to all properties.
123. The Subdivision Certificate (linen release) shall not be issued until an Occupation Certificate has been issued.  
**Reason:** To ensure the development is built in accordance with the approved plan.
124. The subdivision certificate will not be issued until documentary evidence of compliance with the entire Development Consent No. DA/571/2011 has been submitted to Council.  
**Reason:** To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.
125. Prior to issue of the Subdivision 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 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 a Subdivision Certificate.  
**Reason:** To ensure maintenance of on-site detention facilities.

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

126. 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.
127. Any external plant/ air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.  
**Reason:** To minimise noise impact of mechanical equipment.

128. 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.
129. All loading and unloading shall take place within the designated loading areas on the subject property.  
**Reason:** To protect the amenity of the area.
130. 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.