

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

SUMMARY

Application details

DA No:	DA/694/2011
Assessment Officer:	Kate Lafferty
Property:	109-113 George Street, Parramatta Lots 8-9 DP 1182, Lots 10-11 & Lots 16-20 DP 1182 & Lots 12-13 DP 128929
Proposal:	Consolidation and construction of a 19 storey mixed use development comprising retail commercial space at ground level and 264 residential apartments over basement carparking.
Cost of works:	\$76,886,409
Date of receipt:	7 October 2011
Applicant:	SJB Planning Pty Ltd
Owner:	Eureka 2 Project 10 Pty Limited
Submissions received:	2 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 \$20 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 solar access, building depth, street alignment and street frontage type
Integrated development:	No
Crown development:	No
Designated development:	No

The site

Site Area:	3656m ²
Easements/rights of way:	The submitted survey does not indicate any easements or restrictions existing upon the subject site
Heritage item:	No
In the vicinity of a heritage item:	Yes
Site History:	DA/637/2008 dated 14 April 2009 approved an application for the construction of a 14 storey commercial office tower comprising 2 basement carparking levels, ground floor cafe and up to 6 retail tenancies with associated site works and landscaping.

DA history

7 October 2011	DA lodged
12 October 2011	Request for additional information: ➤ Payment of strata subdivision fee
26 Oct to 16 Nov 2011	DA notified
5 December 2011	Applicant modified application to delete the request for strata subdivision

6 January 2012	Request for additional information: ➤ Building separation (Clause 24 variation required) ➤ Activation of Union Street ➤ Increase adaptable dwellings ➤ Arts Plan ➤ Public Alignment Plan ➤ Floor Space Calculations ➤ SEPP 65 Compliance Table
3 February 2012	Applicant response to request for additional information
9 February 2012	JRPP Briefing. The JRPP members raised the following issues: ➤ Activation of Union Street ➤ Vehicle Entries ➤ Activation of Argus Lane ➤ Through Site Link
17 February 2012	Additional information & amended plans submitted
22 February 2012	Council response to additional information submitted
1 March 2012	Meeting with the applicant to discuss outstanding issues
21 March 2012	Additional information & amended plans submitted

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is located on the southern side of George Street and is a corner lot with 3 street frontages (George Street, Argus Lane & Union Street). The site contains multiple allotments of land and is legally described as Lots 10-11 & Lots 16-20 DP 1182 & Lots 12-13 DP 128929, Lots 8-9 DP 1182.

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

Northern boundary	George Street	57m
Eastern boundary	Argus Lane	52m
Southern boundary	Union Street	68m

The combined site area is 3656m².

The site has a slight fall from Union Street to George Street by approximately 1m.

The site is vacant. There are no significant trees on site. There is a sewer pipe traversing the site which will need to be relocated as part of this application.

The site is surrounded predominantly by residential development to the south and commercial development to the north, east and west.



View of the subject site from the corner of George Street & Argus Lane

BACKGROUND

DA/637/2008 – Approval of Commercial Building

DA/637/2008 dated 14 April 2009 approved an application for the construction of a 14 storey commercial office tower comprising 2 basement car parking levels, ground floor cafe and up to 6 retail tenancies with associated site works and landscaping. This consent was not activated.

LA/100/2011 - Parramatta Design Excellence Competition

An Architectural Design Competition was held on 5 July 2011. The proposed development won the competition and the Director General Planning granted an additional 10% increase in the floor space ratio (FSR) and building height to the

winning submission of BVN Architects on the basis of achieving "design excellence" pursuant to clause 22B of the Parramatta City Centre Local Environmental Plan (PCCLEP) 2007.

The Jury provided the following comments on their assessment of design merit:
Elements contributing to the scheme being awarded design excellence include the following:

- *The George Street podium façade with its three storey frame and awning as illustrated in the 3d perspective elegantly addresses George Street. This variation to the DCP is considered an appropriate response to the context and heritage cottage across the street.*
- *The scheme effectively creates active urban street edges while acknowledging the short term constraints for commercial viability along Angus Lane and Union Street. Flexible space is proposed both along Angus Lane for either commercial or home office use, and along Union Street for short term uses that could covert in time to retail. Services and back of house functions are cleverly and efficiently located in the centre of the plan, freeing up the street edge spaces for active uses.*
- *The scheme presents an astute strategy for utilising building components and façade elements that expresses a direct relationship between the internal design and external expression of the building. The resulting architecture is of a high quality and will deliver a benchmark development to Parramatta.*
- *The Jury appreciates the use of balconies as integrated, tectonic elements that organise the façade; and the use of louvres and infill panels that respond both to orientation and to internal planning.*

The following refinements to the design should be addressed in the design development to ensure delivery of design excellence:

- *Consider swapping the community display space on Union Street with the portion of bicycle storage facing the through site link. The Jury is not convinced the space will be used in its location on Union Street and relocating it may increase its potential for other uses.*

PL/72/2011 - Prelodgement for Mixed Use Development

A pre-lodgement meeting was held on 3 August 2011 for a proposed 19 storey mixed use development with 260 dwellings and street front retail over 3 basement levels. The following issues were discussed:

- Floor space was 6.74:1 – not acceptable – need to reduce to 6.6:1
- Noted that a number of design aspects deviated from DCP (street wall height & upper level setbacks)
- Car parking rates for commercial & residential were less than the maximum
- Unit mix non-compliance considered acceptable
- Concern of lack of activation of Union Street

The concluding issues were related to the excessive floor space and the lack of activation of Union Street.

The issue of floor space has been rectified and the issue of activation of Union Street has been adequately addressed by the applicant within the current development application.

THE PROPOSAL

Approval is sought for consolidation and construction of a 19 storey mixed use development comprising retail commercial space at ground level and 264 residential apartments over basement carparking. The details of the application are as follows:

- Retail/commercial floor space = 862m² at ground level (8 tenancies)
- 264 residential dwellings - 4 x studio, 57 x 1 bedroom, 187 x 2 bedroom & 16 x 3 bedroom
- 3 basements (excavation 9.8m below NGL) containing 236 x residential car parking spaces (including 14 accessible), 10 motorcycle bays and storage facilities
- Ground floor contains 9 commercial car parking spaces, 9 visitor/short term car parking spaces, bicycle storage and a loading dock
- 3 vehicular access points along Union Street (commercial parking/loading, foyer/visitor parking and basement entry to residential parking)
- A through site link has been provided between Union Street and George Street
- Communal open space is provided in the central courtyard on Level 2
- There is no proposed subdivision.

There are no significant trees located on the site to be removed.

The building is designed in the podium and tower typology with the podium located along George Street and 2 towers located above. The proposed development has a height of 59.4m and floor space ratio of 6.57:1 (24,022m² of floor space).

The building design is capable of being built in two stages; therefore two tower structures are required. The towers have been designed to have approximately 55% apartments in Stage 1 and 45% in Stage 2. The stages are divided as follows:

- Stage 1: Includes the basement, podium and east tower.
- Stage 2: Includes the south tower.

It is noted that the original plans submitted contained 265 dwellings and 13 adaptable dwellings. The plans were amended to convert 4 studio apartments into 3 and provide 26 adaptable units following amenity and equity issues raised by Council.



Photo montage of proposed development

PERMISSIBILITY

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

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

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

WESTERN SYDNEY JOINT REGIONAL PLANNING PANEL

The development will be determined by the Western Sydney Joint Regional Planning Panel as the cost of development exceeds \$20 million.

The application was considered at the JRPP Briefing Meeting on 9 February 2012. At this meeting the JRPP panel members raised the issues regarding the activation of Union Street, vehicle entries, activation of Argus Lane and the through-site link. These issues and the response by the applicant are discussed below.

1. ACTIVATION OF UNION STREET

Concern was raised by the Panel regarding the lack of activation of Union Street. Consideration should be given to incorporating retail uses within the frontage.

Applicant's Response:

The Union Street frontage effectively contains the "back of house" functions of the development. In addition, the commercial viability of the suggested retail is weak in this location in the short to medium term.

The design responds to these issues and has been supported by the Design Competition Jury as follows:

"The scheme effectively creates active urban street edges whilst acknowledging the short term constraints for commercial viability along Argus Lane and Union Street. Flexible space is proposed both along Argus Lane for either commercial or home office use, and along Union Street for short term uses that could convert in time to retail. Services and back of house functions are cleverly and efficiently located in the centre of the plan freeing up the street edge spaces for active uses. "

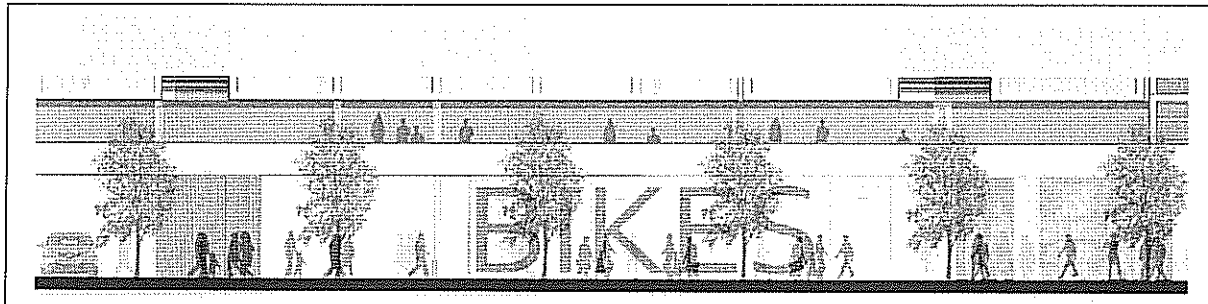
The key items of activation are as follows:

Through-site-link: *This feature will allow residents to enter and leave the development via Union Street. In addition there are nine visitor parking spaces which together with pedestrian traffic increase movement and activity. It is also expected to function as a drop off or pick up zone for taxis, friends and family. The permeability allows activity on George Street and within the through-site-link to be seen from Union Street.*

Community Room: *The Community Room will be a flexible space that can be utilised as a small retail space in the future. Services will be provided to the space for this purpose. The Community Room can initially be used as a display for the retail shops on George Street or be utilised as public art space. It is proposed that the Community Room would be a separate strata lot.*

Bicycle Storage: *The Bicycle Store will be flexible space that can be utilised as a small retail space in the future. Services will be provided to the space for this purpose. The Bicycle Store will be glass fronted, contain colourful vertical storage*

racks, will be well lit and will have interesting and colourful decals on the glass. The location of the bike store in this location will add an extra layer of activity to the Union Street frontage. The highly visible and convenient location will also promote increased bicycle usage. A concept sketch of the treatment of the street frontage of the space is included in the amended drawings accompanying this letter.



Concept sketch of the treatment of the street frontage

Corner commercial/retail space: A commercial/retail space is proposed on the corner of Union Street and Argus Lane.

Approximately 66% of the Union Street frontage has been activated. This is a strong result for the "back of house" elevation of the development. Overall approximately 83% of the development's street frontage is an active use.

Planning Comment:

It is considered that the proposed activation of Union Street is acceptable. The proposal provides a through site link and also provides for future flexibility in the uses of the community display room and bicycle storage area. There is little point in requiring commercial/retail uses along this frontage at this stage if the market does not demand the use of these spaces and they are left vacant and open for vandalism. It is considered acceptable that these areas facing Union Street be allocated a use to ensure so that some activity is apparent, and retain the flexibility for future retail or commercial usage should the demand require it.

2. VEHICLE ENTRIES

Concern was raised by the Panel regarding the number of vehicle entries along Union Street servicing the site. The multiple servicing access points also contribute to the lack of activation of Union Street.

Applicant's Response:

Two of the entries are essential for the servicing of the site and have been positioned with the support of Council officers.

The third entry is to the through-site-link and cannot be regarded as a conventional vehicular entry point. It will generate minimal vehicular movements associated with the limited at-grade car parking occupying the "shared-way". Vehicular entry will be controlled with the use of bollards (replacing the previously proposed gates). The

applicant has provided details of the surface treatment of the link, which will reinforce its status as a pedestrian dominated environment with any vehicle movements regulated and managed. The link will in fact contribute to the activation of Union Street.

The through-site-link is a key element of the winning submission in the Design Competition and was endorsed by the Design Competition Jury. An excerpt from the Design Competition Jury Report is as follows:

" The conceptual approach to the building form and its ground plane are derived from a considered response to the surrounding urban context. The through site link integrates the building into Parramatta's street network and connects it to the river"

Planning Comment: It is considered that the location of the proposed vehicle entries are acceptable. As discussed above, the through site link is a combined pedestrian and vehicular path which should generate minimal traffic movement. The separation of the entries are considered acceptable and have been reasonably broken up with building wall and visual interest.

3. ACTIVATION OF ARGUS LANE

Concern was raised by the Panel regarding the lack of activation of Argus Lane. It was considered that the tenancies located along Argus Lane should be built to the boundary and contain retail uses.

Applicant's Response:

The whole length of Argus Lane has active uses in accordance with Council's Lanes Strategy. The likely success of retailing along Argus Lane is unknown at this stage, resulting in the design of these spaces to be flexible to suit a number of different uses, thereby achieving activation.

The proposed Cumberland Press development's main car park driveway is directly opposite part of the Argus Lane frontage, potentially impacting on the future success of retailing on the subject site. Retail shopfronts on the boundary opposite a busy driveway on a narrow lane with narrow footpath is not desirable. The design responds to this by setting back two of the commercial/retail spaces. The outdoor areas are of suitable dimension for outdoor meeting space or café seating. The boundary is defined by a masonry and concrete street wall containing metal gate and fence system.

Building all shopfronts to the boundary and catering only to retail usage will not deliver a desirable outcome. This is supported by the design competition Jury as follows:

"The scheme effectively creates active urban street edges whilst acknowledging the short term constraints for commercial viability along Argus Lane and Union Street Flexible space is proposed both along Argus

Lane for either commercial or home office use, and along Union Street for short term uses that could convert in time to retail. Services and back of house functions are cleverly and efficiently located in the centre of the plan freeing up the street edge spaces for active uses. "

Planning Comment: It is considered that the design of the building along Argus Lane provides for adequate activation. The tenancies provide for flexible uses and the entrances provide for a sense of guardianship and occupation in accordance with the CPTED principles.

4. THROUGH SITE LINK

Concern was raised with the vehicle usage of the through site link. Consideration should be given to this being a pedestrian area only.

Applicant's Response:

As mentioned above in responding to the issue of vehicle entries, the link will be a predominantly pedestrian area, with very limited short term vehicular access and car parking, both managed by bollards. The small amount of parking contained in this area is considered to have a positive impact on the activation of the space.

The design intent is to draw pedestrians through the link, generating activation of the space and of Union and George Streets.

As mentioned earlier in this letter, the through-site-link is a key element of the winning submission of the Design Competition and was endorsed by the Design Competition Jury.

Details of the treatment of the link are included in the updated landscaping drawings.



Through Site Link: Preliminary Image

Planning Comment:

Although it may be preferable that the through site link be for pedestrian usage only, it is considered that the use of the area for short term parking will benefit the users of the development. Given that the link was supported by the Design Jury and given that it will be appropriately treated to ensure an attractive and user friendly environment, the use of the through site link for vehicles is considered acceptable.

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 reports as follows:

Existing Development

1. *The site is currently vacant and is located on the southern side of George Street between Union Street and Argus Lane. The site has a total area of 3,656m² with frontages to George Street, Union Street and Argus Lane, Parramatta.*

Proposed Development

2. *The proposed development seeks approval to construct a 19 storey mixed use development comprising retail commercial space at ground level and 265 residential apartments above over basement carparking and strata subdivision.*
3. *The details of the proposed development as per the submitted Traffic Report and SEE are summarised below:*
 - *Residential – 265 units (5 x studio apartments; 57 x 1-bedroom units, 187 x 2-bedroom units, and 16 x 3-bedroom units)*
 - *Commercial/retail (8 suites) – 832m² GFA as per Traffic Report*
 - *Provision of 283 parking spaces (265 spaces for residents in 3 basement levels; 9 spaces for commercial/retail component; 9 spaces along a Shared Zone in a 'One-Way' roadway in a northerly direction between Union Street and George Street*
 - *The ground level will contain retail units surrounding a central courtyard area while the office foyer will be accessed from the George Street frontage.*
 - *Access points – 3 driveways are provided off Union Street (entry and exit to through to the commercial parking area; one-way entry*

northerly to the shared zone area and combined entry and exit access driveway to the basement levels)

Parking Requirements

4. *In accordance with Council's City centre LEP 2007, the parking rates for the proposed development are as follows:*
 - *Residential component – “1 parking space per dwelling plus 1 parking space per 5 dwellings for visitors” = 318 spaces (including 53 spaces for visitors)*
 - *Commercial – “1 parking space to be provided for every 100m² GFA” = 8.3 (9) spaces*
 - *Retail – “1 parking space to be provided for every 30m² GFA”*
Total = 327 parking spaces (including visitor and commercial spaces)
maximum are required to be provided on site.

Traffic Generation

5. *The traffic volume data within the surrounding road network as indicated in the Traffic Report is noted.*

Parking Provision and Layout

6. *The proposed development Provision of 283 parking spaces (265 spaces for residents in 3 basement levels; 14 disabled parking spaces, 9 spaces for commercial/retail component; 9 spaces along a Shared Zone in a 'One-Way' roadway in a northerly direction between Union Street and George Street. It also provides 62 bicycle spaces and 21 motorcycle parking spaces. No provision has been made for visitor parking on-site.*
7. *The parking provision on site has a deficiency of 44 parking spaces. However, as the Council's LEP 2007 (Amendment 4) specifies the maximum requirements, the parking provision is considered acceptable. In addition, the location of the proposed development is in close proximity to public transport facilities within the Parramatta CBD.*
8. *Comments on parking layout*

Ground Floor Plan

- *Parking space #4 parallel parking – the turning path shows that access into this space is difficult (3-5 point turns). Provision of a parallel parking space is not supported due to accessibility.*
- *The 2 parking spaces marked as 'small car bay' are acceptable provided that these spaces will be marked as such on the pavement*
- *Disabled Parking Space #3 (Angle Parking) located within the Shared Zone does not comply with the dimensions and configuration of the*

disabled parking space in accordance 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). This parking space should be modified accordingly.

- Shared Zone – as indicated in the pre-lodgement advice dated 15 August 2011 (TRIM Doc D02048653), the pavement of the laneway (shared zone) is to be constructed in different colours in order to separate the pedestrian and vehicular movements and to improve traffic safety within this area. In addition, 'shared zone speed limit signs' in accordance with the RTA and Austroads Guide to Traffic Management are to be installed and approved by the RTA.
- Access into the loading dock (turning path of a 6.4m rigid vehicle) as shown on the plan SP12 is acceptable. The largest delivery vehicle that can access the site is a medium rigid vehicle (MRV).

Basement Levels 1

- Disabled Parking Space #51 & #82 do not comply with the dimensions and configuration of the disabled parking space in accordance 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). These parking spaces should be modified similar to spaces #s 40, 43, 80 & 81. Note that all disabled parking spaces are to comply with AS 2890.6 – 2009.
- The direction of traffic within the parking area should be marked by pavement directional arrows and to be used accordingly.

Basement Levels 2

- Disabled Parking Space #137 & #171 do not comply with the dimensions and configuration of the disabled parking space in accordance 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). These parking spaces should be modified similar to spaces #s 129 130, 169 & 170. Note that all disabled parking spaces are to comply with AS 2890.6 – 2009.
- The direction of traffic within the parking area should be marked by pavement directional arrows and to be used accordingly.

Basement Levels 1

- Disabled Parking Space #227 and 262 do not comply with the dimensions and configuration of the disabled parking space in accordance 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). These parking spaces should be modified similar in accordance with AS 2890.6 – 2009.

- The direction of traffic within the parking area should be marked by pavement directional arrows and to be used accordingly.

Access Arrangement

9. Access into and out of the site is provided off Union Street via three driveways as follows:

- Combined entry and exit driveway on the western end of the property close to Argus Lane (7m wide) to the commercial/retail areas and loading dock. The access driveway to the parking area is 5.6m wide.
- An entry only driveway (One-Way traffic in a northerly direction) via a private laneway 'Shared Zone' near the eastern end of the property.
- Combined entry and exit driveway (5.5m wide) on the eastern end of the property to the basement level parking areas.

10. The gradients of the driveway to the basement levels are as shown on the plans. However, a driveway profile (long-section plan) of the ramp access to the basement level should be submitted for confirmation.

Conclusion

Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on George Street, Union Street and Argus Lane and the surrounding road network. The proposal can be supported on traffic & parking grounds provided that the parallel parking space proposed on the ground level near commercial tenancies is removed or modified; the disabled parking spaces which have not been marked in accordance with AS 2890.6-2009 are to be modified accordingly, and subject to the following traffic related conditions.

Planning Comment: The application was amended to increase the number of disabled car parking spaces. The amended plans were referred to Council's Traffic & Transport Investigations Officer who makes the following comments:

Further to our discussion this afternoon regarding the above DA, due to non-compliance of the disabled parking spaces as indicated below, a total of 9 parking spaces will be affected upon modification of these spaces in order to comply with AS 2890.6-2009. Therefore, as a result of the modification of the disabled parking spaces, the total number of parking provision on-site will be reduced to 254 spaces including 26 disabled parking spaces.

Recommendation

Previous (a) and (b) of the Traffic Comments dated 25 October 2011 (TRIM Doc D02147230) should be amended as follows:

- a) 254 off-street parking spaces (236 spaces for residents in 3 basement levels including 26 disabled parking spaces; 9 spaces for commercial/retail component; 9 spaces along the 'Shared Zone' in a 'One-Way' roadway - northerly direction between Union Street and George Street) 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 5.8m aisle width minimum. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space).*
- b) Parking space numbers 46, 51, 56, 82, 86, 93, 128, 132, 137, 142, 171, 175, 182, 217, 222, 227, 232 and 262 are to be modified to comply with the dimensions and configuration of the disabled parking spaces in accordance with Figure 2.3 or 2.3 of 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).*

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

Tree Management & Landscape Officer

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

Issues

Impact on Site Trees

There are two small, self sown trees located within the site. No objection is raised for the removal of the Privet and Camphor laurel as they are exempt from the PCC DCP.

Impact on adjoining trees

Nil

Landscape

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

A public domain plan is required to be submitted to PCC prior to commencement of works which provides detail of street tree species, planting locations, pavement treatment etc. These details shall be provided by the Parramatta City Council Landscape Architecture team.

Planning Comment:

The recommended conditions of Council's Tree Management & Landscape Officer are incorporated within the Recommendation section of this report. The requirement to submit a Public Domain Plan before the issue of a Construction Certificate is included within the Recommendation section of this report.

Development Engineer

The application was referred to Council's Development Engineer who reports as follows:

Issues

Flood Prone:

The development site is not affected by 1 in 20 and 1 in 100 year flood frequencies. However, it is affected by Probable Maximum Flood (PMF) and classified as having Low Flood Risk, in accordance with Council's "Local Floodplain Risk Management Policy. In terms of the flooding nature (PMF) Council's Catchment Management Team has requested for a referral. However, a special condition in terms of flood evacuation in PMF situation has been included with the DA conditions. A 500 mm threshold (freeboard) has been applied to the basement ramp, to provide additional flood protection for the basement car parks.

Grey Area: Not in the Grey Area

Access/driveway gradients/vehicle manoeuvring

The driveway ramp appears to have acceptable gradients. However, an extensive traffic & parking related assessment has been undertaken by Council's Traffic Division and appropriate traffic related conditions have been included.

Easements:

There are no existing drainage Easements within the development site. However, Sydney Water sewer lines with inspection pits are traversing through the development site which will interfere with the basement construction. Please see Conclusion & Reasons below for more details. Applicant is already aware of the situation and liaising with Sydney Water.

DISCUSSION IN TERMS OF STORMWATER DISPOSAL

Storm water runoff from the roof will be drained into a 20 cubic metre rainwater tank for storage and re-used with its overflow draining into the underground OSD tank. Courtyards and balconies will be drained directly into the 156 cubic metre OSD tank. Stormwater discharge from the site will be connected to the existing Council's 1372 mm diameter trunk drainage pipe system under the road in George Street, which runs away from the kerb line. The discharge outlet pipe connection is a saddle connection on top of the existing trunk drainage pipe. Considering the short straight connection and the underground nature of the OSD tank, a saddle connection seems to be the good option. Constructing a new pit outside the development site may create problem in terms of back flows and the close proximity of the existing larger trunk pipe system. Due to the fact that the development site is bounded by 2 streets, a laneway and an existing new building, the site does not receive any overland flows

from the adjacent properties. I have no objections to this proposal, provided that the following Engineering Conditions are included in your Conditions of Consent.

CONCLUSION & REASONS

During my assessment process I have come across various correspondence between Council's Outcomes & Development and Civil Assets Officers, in terms of Public Domain Works in the vicinity. Several emails have been exchanged to the applicant in terms of Public Domain Works adjoining the development site. The applicant must now be fully aware of the situation that the footpath paving, driveways and kerb ramps to be upgraded to Council's current Public Domain Guidelines. In this regards some Public Alignment Plan details have also been exchanged and Council's Civil Assets Supervisor is coordinating the approval process. Considering the circumstances, I do not need to remind about the standard city centre pavement requirements for CBD.

The subject development site is bounded by George Street, Union Street and Argus Lane. Both Street frontages and the side Argus Lane have been discussed in the correspondence, including the street tree planting. Council's Lane Policy for City Centre Lanes has also been recommended. Since all the Public Domain related issues are addressed and approved separately by Council's other divisions, I am not including any of our standard conditions relating to footpaths, laneways and driveway crossings in this case. This will avoid any confusion and will allow the applicant to focus on the specific requirements of Council's Civil Assets Division.

One of the submitted plans (General Arrangement Plan, which forms part of the drainage details submitted for approval) has also indicated that the disused crossings are to be removed and reinstated with kerb and gutter. Therefore, there is no need to include our standard condition relating to disused crossings in Union Street.

I have also noticed on site, as well as on the Survey Plan, that a larger diameter Sydney Water Sewer Line traversing through the middle of the block with several associated inspection pits. Due to the proposed 3 levels of the basements, the existing sewer line cannot be encased in this situation. However, I have been advised that the applicant is aware of the situation that the sewer line has to be relocated and the applicant has been liaising with Sydney Water in this issue. Any way, this is not a consideration at the DA stage and can be conditioned. Standard Sydney Water approval condition (EC13) has been included with modification to take care of this issue.

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

Planning Comment:

The Development Engineer has advised that the geotechnical report discusses the bore hole sampling on the site and no identified aquifers have been identified. Impacts upon groundwater have been adequately addressed. No further approvals are therefore required for the excavation works at this stage.

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

Catchment Management

The application was referred to Council's Catchment Management Team who reports as follows:

From a flood perspective, the site effectively has no inundation in the 100 year event. However there is insufficient treatment of site flood and evacuation issues in those (rare) events which have much higher flood levels than the 100 year event (as detailed in Section 3 of this memo). In particular, it is recommended that a more detailed outline of works and measures to address potential basement inundation is required at this stage of the project.

Planning Comment: Council's Development Engineer reviewed the above comments and advises that a 500mm freeboard has been applied to the basement ramp to avoid inundation of the basement level. A special condition in terms of flood evacuation in PMF situations has been included with the DA conditions.

Heritage Advisor

The application was referred to Council's Heritage Advisor who reports as follows:

The site of the proposed development is in the vicinity of the State Heritage Register-listed item Harrisford located at 182 George Street, immediately across the street from the subject site.

I am satisfied that the proposal is to be assessed against the planning controls available. The design, with its strict geometry and rectangular imagery, is generally suitable and I am satisfied that, within given program, the overall outcome is appropriate, subject of course to assessment against the planning controls for the site.

Regarding archaeology, having spoken to Siobhan Lavelle of the Heritage Office (OEH) today, the OEH has an interest in material found on the site but would be satisfied with a condition to the effect of interpreting that material in keeping with the 2006 report and its findings.

My final recommendation is thus to approve this DA, with condition to the effect of interpreting archaeology in keeping with requirements of the Office of Environment and Heritage.

Planning Comment: The applicant has chosen to interpret the archaeology found on site within the Public Arts Plan. Preliminary details have been submitted which identifies the strong European and Aboriginal heritage theme of the site and proposes to incorporate some of the objects recovered

during the archaeological programme in the artworks display.

Urban Design

The application was referred to Council's Urban Design Unit who report as follows:

SUMMARY REVIEW

Ground Floor Plan

The proposal provides multiple ground floor commercial tenancies that address the site's three street frontages. There are 4 commercial tenancies proposed along George Street, which reinforces its role as a major east-west street that connects through Parramatta City Centre. Additional tenancies are also proposed along Angus Lane and Union Street, including a corner space addressing Union Street. The design jury commended the proposal's active street frontages with the following statement:

'The scheme effectively creates active urban street edges while acknowledging the short term constraints for commercial viability along Angus Lane and Union Street. Flexible space is proposed both along Angus Lane for either commercial or home office use, and along Union Street for short term uses that could covert in time to retail. Services and back of house functions are cleverly and efficiently located in the centre of the plan, freeing up the street edge spaces for active uses.'

Above Ground Car Parking

The proposal features two areas of above ground car parking, spaces for residential visitors are along the western property boundary and spaces for the commercial tenancies lie within the interior of the ground floor layout. The commercial car parking is located within the centre of the plan, which frees up large areas of street frontage for retail / active uses. The residential visitors parking, although at grade, is located within the complex and partially screened with landscaping when viewed from the public domain. Given the number of spaces proposed, its location and landscaped setting, the proposed visitors parking is acceptable.

Waste Collection

The design of the ground floor allows for waste collection to occur from the commercial driveway off Union Street and not from the Union Street kerb. The Waste Management Plan for the proposal states that 'the collection vehicle will be parked within the driveway throughout the collection procedure with all bins collected directly from the residential garbage room.'

ISSUES AND CONCERNS

Union Street Bicycle Storage

A significant length of the Union Street street frontage is proposed to be for bicycle storage (both residential and commercial). It is suggested that the residential component of the bicycle storage is relocated to the basement, freeing up street frontage for active uses including additional retail / commercial tenancies addressing Union Street.

Union Street Community Display Space

It is unclear what function this space will serve and it is suggested that this portion of the Union Street frontage could be used more effectively for retail / commercial uses or for the commercial component of the proposed bicycle storage if required.

Public Domain

The public domain adjoining the development is to be upgraded to Council's current standards, including footpath paving, driveways and kerb ramps. Please refer to the Public Domain Guidelines for further detail.

Solar Amenity

There are some units in the proposal that may suffer from compromised solar amenity. There is concern for the two bedroom units (2 bed Type 1A) accessed from the podium, particularly the south facing rooms of the units between grid references 6-9 (refer drawings DA-D-002 and DA-D-003 Issue 06). However, these units make up a small percentage of the total development and overall the proposal offers good residential amenity.

RECOMMENDATIONS

It is recommended that the applicants make the following amendments:

- convert the ground floor bicycle parking on Union Street to retail / commercial tenancies and relocate the residential bicycle storage area to the basement;*
- convert the ground floor Community Display Space on Union Street into a retail / commercial tenancy or commercial bicycle storage area if required;*
- upgrade the public domain (including footpaths, driveways and kerb ramps) adjoining the development to Council's current standards (refer PCC Public Domain Guidelines).*

Planning Comment:

The conversion of the bicycle parking area and community display area to retail/commercial uses has been discussed elsewhere within this report. It is considered that Union Street has been satisfactorily activated with flexible uses envisaged within the areas facing Union Street.

The application was re-referred to the Urban Design Team to specifically address variations to the Residential Design Flat Code and Parramatta Local Environmental Plan 2007. These further comments received by the Urban Design Team are included in the relevant sections within this report.

Public Arts Officer

The application was referred to Council's Public Arts Officer who reports as follows:

I acknowledge that the Arts plan submitted is in the preliminary stages of development. The proposed Arts Plan, using the concept of incorporating the heritage interpretation from the site is praiseworthy.

It is however not considered to be a satisfactory arts or interpretive concept proposal or plan. It is noted that the arts plan submitted gives only a broad outline/framework of the proposed initial themes at this stage. In addition, the proposed artwork is not accessible to the public.

The themes in the document are very broad and not descriptive enough to communicate the specific stories that relate to the site. Given the diverse layers of heritage associated with this site and its evolution over time, it would be recommended that a Heritage Interpretation Specialist be engaged to develop a heritage concept plan for the site.

In addition, I understand there may be limitations with placement or visibility within the proposed development, however it is important that the public can access the interpretation and therefore access via the public domain should be viewed as an important requirement of the plan. An interpretation specialist will be able to suggest ways of incorporating the interpretive media in public accessible ways.

RECOMMENDED CONDITIONS

We will require further work to be undertaken prior to occupation of the site by the client, as required in the conditions of consent. The release of the construction certificate is conditional on the following requirements being met in full.

Planning Comment: The recommended conditions of Council's Public Arts Officer are incorporated within the Recommendation section of this report.

Environmental Health Officer

The application was referred to Council's Environmental Health Officer who reports as follows:

Following a review of Appendix 4, within the Statement of Environmental Effects, I confirm that Coffey Geotechnics Pty Ltd certify that an EPA Accredited site auditor has concluded the site is suitable for the proposed residential/commercial land use. I note that there are several recommendations throughout the contaminated assessment undertaken by Coffey so a suitable standard condition to comply with these recommendations is suggested, similar to the Acoustic Report.

Planning Comment: The recommended conditions of Council's Environmental Health Officer are incorporated within the Recommendation section of this report.

Waste Management Officer

The application was referred to Council's Waste Management Officer who raises no concerns with the proposed development subject to the imposition of standard conditions of consent.

Civil Assets

The application was referred to Council's Civil Assets Unit who considered the Alignment Plan submitted with the application and raises no concern.

Planning Comment: A condition incorporating the details of the Alignment Plan and 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 26 October 2011 and 16 November 2011. In response, 2 submissions were received. The issues raised within these submissions are discussed below.

Ground Floor Car Parking

- All parking should be located below ground and the use of the ground floor space should be efficiently used for Retail/commercial space
- The ground floor car park along the western boundary should be transformed into public space uses and car parking to be relocated below ground to avoid conflict with pedestrians and improve the amenity of this area for the occupants and the public space

Planning Comment: Part of the ground floor is used for retail/commercial parking and loading facilities. This is considered acceptable for the practical usage of the retail and commercial tenancies.

As discussed earlier within this report, although it may be preferable that the through site link be for pedestrian usage only, it is considered that the use of the area for short term parking will benefit the users of the development. Given that the link was supported by the Design Jury and given that it will be appropriately treated to ensure an attractive and user friendly environment, the use of the through site link for vehicles is considered acceptable.

Activity along Union Street

Union St has been turned into nothing more than a garbage collection lane and vehicular access with the existing residential building on the western side of our building and the street can't handle more of this activity.

The ground floor space facing Union St should be activated with the use of retail/commercial space rather than garbage storage and driveway access to improve the amenity for all residence and occupants of Union Street.

Planning Comment: As discussed earlier within this report, it is considered that the proposed activation of Union Street is acceptable. The proposal provides a through site link and

also provides for future flexibility in the uses of the community display room and bicycle storage area. There is little point in requiring commercial/retail uses along this frontage at this stage if there is reasonable concern that the market does not demand the use of this spaces and they are left vacant and open for vandalism. It is considered acceptable that these areas facing Union Street be allocated a use to ensure so that some activity is apparent, and retain the flexibility for future retail or commercial usage should the demand require it.

Waste Management

There needs to be a well managed waste collection system that avoids all bins to be picked up from the street kerb and the relocation of the garbage storage to the basement area

Planning Comment: Council does not collect waste from residential developments containing greater than 30 dwellings and does not collect commercial waste. All waste will be collected by a private contractor who will need to access the site to collect waste. No bins will therefore be left on the kerbside for waste collection. Access to basements by commercial waste vehicles is difficult to achieve given the headroom clearance required by the collection vehicles. It is therefore more practical to allow waste collection from the ground floor. The application was considered by Council's Waste Officer who raises no objection to the proposed development.

Restrictions on Use of Adjoining Properties

Concern is raised that restrictions may be placed on the adjoining property at 142 Macquarie Street or any other commercial activity in the area due to the sensitivity of the proposed residential use.

Planning Comment: The application involves the construction of 264 residential dwellings. This is consistent with the zoning of the land and vision for future development. Any issues which arise due to noise problems with any commercial activity in the area will be dealt with under the provisions of the Protection of the Environment Operations Act. This applies to existing and future operations within the area.

Footpath Widening

Concern is raised that the footpath along Argus Lane will not be widened as this will cause unnecessary and inconvenient pedestrian volume overload on the opposite footpath.

Planning Comment: Council's Urban Design Team have reviewed the application in relation to the City Centre Lanes Policy and advise that the Ground Level Landscape Plan (01 Rev C)

by McGregor Coxall indicates a footpath of approximately 2m wide along Argus Lane which is to be paved to Council's Standard details. This is acceptable and further footpath widening should not be required. The laneway will be enhanced within the Public Domain Plan and street lighting will be upgraded. It is highly unlikely that there will be a pedestrian "overload" on the eastern side of Argus Lane, particularly given the through site link proposed on site.

Potential for Anti Social Behaviour

Concern is raised that the increased residential component will result in increased alcohol consumption and loitering in Argus Lane.

Planning Comment: There is no evidence to suggest that future residential occupants of the site will loiter or consume alcohol in the adjoining laneway. The current issues seem to arise as a result of nearby commercial uses, not residential uses.

Traffic Signage

Concern is raised that the lack of traffic directional signage in Argus Lane will create traffic conflict.

Planning Comment: The traffic signage on local roads is not a direct matter of consideration for the current development application. Notwithstanding this, Council's Traffic & Transport section have been advised of this issue and are currently investigating the replacement of the All Traffic Right sign with a One-Way Right sign.

Items from windows and balconies

A restriction should be placed on the development that prohibits hanging items from windows and balconies.

Planning Comment: The submission does not explain the reason for this concern. It is not considered necessary to condition that no items be hung from windows or balconies. There do not appear to be any significant past issues arising from the use of windows and balconies in residential flat buildings within the Parramatta LGA. This would be a matter for a Body Corporate by-law or tenancy agreement at a later date.

Noise control

Appropriate noise control measures should be employed during construction.

Planning Comment: Conditions restricting construction have been included within the Recommendation section of this report. Such conditions relate to the noise, dust and hours of operation

during construction works. A complaint register is also to be kept on site.

Road Access

Argus Lane should not be blocked off during construction.

Planning Comment: A detailed Traffic & Pedestrian Management Plan will be required to be submitted before the issue of a Construction Certificate. Approval from Council will be required if any roads are to be blocked during construction. Consideration of access to adjoining sites and traffic hazards will be considered prior to the approval of any such request.

Hoist and Crane Operations

No booms from the hoists or cranes should be permitted over the adjoining property.

Planning Comment: The operation of this type of construction equipment on site is not a matter for Council's involvement. The operation of this equipment will be the subject of WorkCover Authority requirements.

Amended Plans

Yes

Summary of amendments

The plans were amended to increase the number of adaptable units and to convert 4 apartments into 3 on Level 2. The amendments resulted in a reduction of units from 265 to 264.

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 had previously been filled (approximately 2m thick) and contained underground storage tanks. A report prepared by Coffey Geotechnics dated 29 September 2011 discusses the contamination and remediation of the site, which reads inter alia:

In 2004, works were conducted to remediate soil contamination identified within the site including:

- Removal of 3 underground storage tanks (UST) and associated contamination*
- Validation of the UST excavations*
- Excavation and offsite disposal of fill material*
- Validation of residual fill and natural soils;*
- Validation of imported backfill.*

Based on contamination identified within the fill material on the site, the fill material was excavated across the majority of the site. Approximately 4100m³ of excavated material was disposed off site as industrial waste and solid waste under Environmental Guidelines: Assessment, Classification & Management of Liquid & non-liquid Wastes (NSW DEC, 2004).

Residual soil beneath the excavated material was validated against remediation criteria specified in the Remedial Action Plan (RAP) (Coffey Geosciences, 2003 - Ref: E12590/03-AE). Contaminants of concern (except for heavy metals, which were detected at concentrations representative of background concentrations) were not detected in any of the samples analysed from natural soils below the removed fill material, including those at depths below the groundwater. Concentrations of heavy metals in these samples were below both the human health and phytotoxicity based threshold concentrations.

Following validation of the residual soil beneath the excavated material, some deep excavations (up to 3m below previous ground level) have been backfilled with material classified as virgin excavated natural material (VENM). The remainder of the site was not backfilled to the original surface levels.

The remediation and validation works have been subjected to review by an EPA accredited site auditor. The site auditor has concluded that the site is suitable for the proposed residential/commercial land use (Environ, 2005). We note that the site auditor has made the following comments on the site audit statement:

"There are low concentrations of contaminants in groundwater from which potentially toxic vapours could enter the basement. Any approved development should not include a workroom in the lowest basement level unless it is able to incorporate a minimum air exchange rate in accordance with the Australian Standard AS1668.2 1991.

It is recommended that:

- Groundwater is not extracted for use.*
- Potential acid sulphate soils are appropriately managed during further excavations at the site."*

There are no workrooms located within the lowest basement level. The recommendations of the report have been incorporated within the Recommendation section of this report.

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 George 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 with the deemed SEPP.

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

A design statement addressing the design quality principles prescribed by SEPP 65 was prepared by the project architect and submitted with the application. The

statement addresses each of the 10 principles and an assessment of this is made below.

Context

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

Scale

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

Built form

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

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

Density

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

Resource, energy and water efficiency

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

Landscape

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

Amenity

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

Safety and security

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

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

Social dimensions

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

Aesthetics

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

Residential Flat Design Code

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

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

The following table highlights the controls relevant to this proposal:

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Building Depth	Depth should be between 10-18m	10m – 22m	In part
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys)	Not applicable to adjoining sites as there are no adjoining residential buildings On site – separation between buildings 8.1m (min)	N/A No

Storage	1 bedroom 6m3 2 bedroom 8m3 3 bedroom 10m3	Separate storage areas are provided for each unit within the basement and 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	Studio 38.5m2 1 bedroom 50m2 2 bedroom 70m2 3 bedroom 95m2	Studio = 44m2 min 1 bed = 51.5m2 min 2 bed = 69.3m2 – 93.8m2 3 bed = 112.3m2 min	Yes Yes In part Yes
Open Space	The area of communal open space should be between 25-30% of the site area (25%=914m ²)	Communal open space is provided on Level 2. The area of communal open space is 773m ² or 21% of the site.	No
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone (25%=229m ²).	30% or 276m ²	Yes
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	7 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)	53% to living rooms 75% to private open space	No Yes
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	Only 7% of apartments have a south facing aspect	Yes
Natural ventilation	60% of units should be naturally cross ventilated	64%	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation	14%	No

Natural ventilation	The back of a kitchen should be no more than 8m from a window	The majority of kitchens are within 8m from a window	Yes
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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. The proposed building depths generally comply with the RDFC rule of thumb of a maximum of 18m from glass line to glass line. Variations occur due to the L shaped floor plan and at the corners for articulation. This does not have a significant impact on the amenity of the units and the proposed building depth is considered acceptable.

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 a minimum separation distance of 8.1m between the 2 residential towers and 10m between the front and rear buildings on Level 3.

The applicant has submitted a response to the variation for the following reasons (in part):

- The DA reflects the successful competitive design excellence process.
- The building substantially meets the relevant provisions
- The departure from the standard is minor
- The apartments have been designed so as to maximise internal amenity and outlook, while minimising privacy and overlooking. Strict compliance with the building separation provisions, in those locations where there are departures, would not result in any change or improvement to the amenity of apartments or to the public domain.
- The two tower design results in is better planning outcome for the site, as compared to a single tower. The two towers design results in enhanced solar access, cross-ventilation and access to views. It also reduced the building bulk.
- A greater separation between the buildings would result in some floor space being located elsewhere on the site, most likely on to the George Street elevation. This would be contrary to the Design Competition Jury support for a lower George Street elevation (as reflected in the DA drawings) that align with an adjacent building, and allowing greater sunlight to penetrate the pool and common areas of the development.
- The objectives of building separation standards are met
- The design of the development is derived directly from a successful design competition, and the development responds effectively and sensitively to the location and the surroundings

The issue of building separation was considered by Council's Urban Design Team who report as follows:

<i>Parramatta City Centre DCP 2007</i>	<i>Proposed Separation Between Towers</i>	<i>SEPP 65</i>
<i>Up to 36m: 0-6m</i>	<i>8.1m-16.6m</i>	<i>Between habitable rooms / balconies</i> <i>Up to 12m: 12m</i> <i>12-25m: 18m</i> <i>25m+: 24m</i>
<i>36m – 54m: 9m</i>	<i>Majority 10.2m</i> <i>Northern Gap 8.1m</i> <i>Southern Gap 8.3m</i>	
<i>54m – 72m: 12m</i> <i>(Levels 18 & 19)</i>	<i>Majority 10.2m</i> <i>Northern Gap 8.1m</i> <i>Southern Gap 8.3m</i>	<i>Between habitable rooms / balconies and non-habitable rooms</i> <i>Up to 12m: 9m</i> <i>12 – 25m: 13m</i> <i>25m+: 18m</i> <i>Between non-habitable rooms</i> <i>Up to 12m: 6m</i> <i>12 – 25m: 9m</i> <i>25m+: 12m</i>

The proposal does not meet SEPP 65 recommendations for building separation and varies from the Parramatta City Centre DCP (refer to the table above). The RFDC states that proposals that do not meet the recommended building separations should demonstrate satisfactory daylight access, urban form and visual and acoustic privacy.

The proposal has considered daylight access by positioning a low 3 storey street wall along George Street, allowing greater daylight access to the pool, common areas and tower elements behind.

The proposal has addressed urban form by aligning buildings along its the street frontages and positioning a low 3 storey street wall along George Street. The jury report stated that the 'George Street podium façade establishes a datum that responds to the heritage cottage across the street and mediates between the city core and the future adjacent development. The framing element visually groups the podium floor levels, creating an appropriate scale and elegance to the George Street façade.'

The proposal has addressed visual and acoustic privacy by orientating openings to face blank walls and away from other units, as well as screening balconies through blade walls.

Whilst the proposal does not meet the building separation 'rules of thumb' outlined in the RFDC, it has addressed the concerns of daylight access, urban form and visual / acoustic privacy and is considered acceptable.

As discussed above, Parramatta LEP2007 requires minimum separation distances between buildings and their boundaries and between buildings on the site. The

minimum separation distances are not achieved and a Clause 24 variation has been sought to vary the standard. The impacts of the separation of buildings has been discussed in detail further within this report and it is considered that the proposed separation distances are acceptable.

Minimum Apartment Sizes

A significant majority (94%) of the apartments meet the minimum apartment sizes suggested in the RFDC. Many of the units are two storey and the area of each floor within a two storey unit has been listed separately on the plans. The apartments which do not meet the suggested sizes are 12 x 2 bedroom units (2 Bed Type 18, levels 7 - 19) that are listed as having an internal area of 69.37m². This is a small variation from the minimum 70m² suggested by the RFDC and is considered acceptable.

Open Space

The RFDC recommends that a minimum area equivalent to 25% of the site area should be allocated as communal open space. The area of communal open space provided is 772.8m² on Level 2, being 21% of the site area. Although this represents a minor variation to the 'rule of thumb' it should be noted that the development also provides for a communal gymnasium with a floor space of 117.2m² and a community display room with a floor space of 78.2 m². The minor variation is considered acceptable given sufficient communal facilities have been provided.

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 proposed development achieves a minimum 2 hours solar access to the private open space of 75% of the dwellings and a minimum of 2 solar access to the living rooms of 53% of the dwellings.

The applicant has addressed this non-compliance as follows:

In this case 75% of apartments receive the minimum 2 hours solar access to private open space and 53% to living rooms. Notwithstanding the daylight access to living rooms being below the suggested 70%, the design, orientation and outlook of the apartments within the overall development were considered in detail by the Design Competition Jury, with options for the placement of balconies and the external glass line of apartments considered. The Jury's advice was to proceed with the apartment design option that is now reflected in the DA, notwithstanding that the 70% requirement for living rooms would not be met in this case.

Given the potential amenity issues associated with the variation to the RFDC 'rule of thumb', the application was referred to Council's Urban Design Team for comment. The Urban Design Team considered the variation and respond as follows:

The proposal does not meet the RFDC 'rule of thumb' for at least 70% of apartments in dense urban areas to receive 2 hours of direct sunlight to living rooms and private

open space between 9am and 3 pm in mid winter. This daylight access is achieved to living rooms for 53% of units and to private open space for 75% of units.

Whilst recognising that the proposal does not meet the RFDC recommendation, this variation is considered acceptable given the layouts of the apartments, the orientation and outlook of the living spaces and the amount of daylight provided to communal and private open space.

Natural Ventilation to Kitchens

The RDFC recommends that at least 25% of kitchens should have access to natural ventilation. The proposal provides 14% of the kitchens having natural ventilation. The location of the kitchens has been largely designed so that the main living areas receive the greatest natural ventilation and preferable aspects. Given the design of the proposed development, natural ventilation to a greater number of kitchens could not be achieved. Notwithstanding this, it is noted that approximately 80% of kitchens are of an open plan design to assist with receiving cross flow ventilation.

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 54m. The proposed development was the winning entry in a design excellence competition and was awarded a 10% bonus on the height control. The maximum permissible floor height by virtue of Clause 22B(6) is 59.4m. The proposal has a height of 59m 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 however are considered acceptable as they are predominantly limited to decorative elements that do not comprise floor space. The lift over-run located on the rooftop exceeds the height limit. Additionally, in accordance with Clause 22(b) the equipment for servicing the building (roof top plant, lift motor rooms and overruns, fire stairs etc.) and as detailed within the proposed elevations and sections are designed to be fully integrated into the design of the roof feature as they are contained in and support the roof feature.

Floor Space Ratio

Clause 22 restricts the floor space ratio on the site to a maximum of 6:1. The proposed development was the winning entry in a design excellence competition and was awarded a 10% bonus on the floor space ratio control. The maximum permissible floor space ratio as prescribed in clause 22(2) is 6.6:1. The proposal has a floor space ratio of 6.57:1 (comprising 24,022m² 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 the following street frontages:

George Street	57m
Argus Lane	52m
Union Street	68m

The proposal therefore complies with this requirement.

Design Excellence

Clause 22B requires the consent authority to consider whether the proposal exhibits design excellence. In this regard, it is considered that the proposal presents a high standard of design, materials and detailing having been achieved as a result of a lengthy design process including being the winning entry in the Design Excellence Awards. The development will improve the streetscape and quality of the public domain with new perimeter paving, facade treatment and entry artworks.

Car Parking

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

The proposed development may provide a maximum of 317 residential spaces (including 53 visitors) and 9 commercial spaces.

The application proposes 254 car parking spaces, being 245 residential and 9 commercial spaces. This complies with the maximum provisions of LEP 2007. The car parking provided is considered satisfactory and although a further 63 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 specific building separation distances. The proposal contains a number of non-compliances with the separation requirements of the LEP, being the following:

Height	Setback Required	Min. Setback Proposed
0m – 36m	Nil – 6m	Nil – 16.6m
36m – 54m	9m	8.1m
54m – 72m	12m	7.9m

The building separation therefore does not comply with the LEP separation distance requirements 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 located within the City East Special Area. The proposed development is consistent with the objectives of this clause as the development in and around Special Areas is compatible with the particular character and significance of each Special Area and reinforces the specific attributes and qualities of the built form of each Special Area. Further discussion having regard to the objectives for the City East Special Area is contained later within this report.

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.

Clause 22D of Parramatta City Centre Local Environmental Plan 2007 states the following:

Buildings on land to which this Plan applies must be erected so that the separation distance:

- (a) from neighbouring buildings, and*
- (b) between separate towers or other separate raised parts of the same building, is not less than that provided for in the City Centre Development Control Plan.*

Parramatta City Centre DCP requires specific separation distances to the side (western) boundary and between the buildings within the proposed development. The proposal contains a number of non-compliances with the separation requirements of the DCP, being the following:

Height	Setback Required	Min. Setback Proposed
0m – 36m	Nil – 6m	Nil – 16.6m
36m – 54m	9m	8.1m
54m – 72m	12m	7.9m

Notes: The definition of building line or setback is as follows:

building line or setback means the horizontal distance between the property boundary or other stated boundary (measured at 90 degrees from the boundary) and:

- (a) a building wall, or*
- (b) the outside face of any balcony, deck or the like, or*
- (c) the supporting posts of a carport or verandah roof,*
whichever distance is the shortest.

Setbacks required above 36m are average setbacks and may vary more or less by 2m maximum.

The proposed building separation does not comply with this requirement and as such, a Clause 24 variation under Parramatta City Centre Local Environmental Plan 2007 is required to be submitted to vary this standard.

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

The development standard variation being sought:

The attached drawings prepared by BVN Architecture, included with this written request, document the extent of variations sought. In summary these are:

- ***Up to building height 36m***
No variation sought. The building separation distances between the two tower elements varies between 8.1m - 16.6m. To the eastern boundary the separation varies between zero and 9.4 m and to the western boundary between zero and 6.52 m.

- **Between 36m - 54m**

Between the towers the majority of the building exceeds to the 9 m separation. The two locations where the 9 m is not met are:

- *The northern gap - where the minimum separation is 8.1 m; and*
- *The southern gap - where the minimum separation is 8.3 m.*

Between the towers the separation for the majority of the building is 10.2 m. The minimum separation is 8.1 m.

To the eastern boundary the majority of the building meets or is very close to meeting the 9m separation. Those areas that do not meet the separation distance adjacent to the eastern boundary are:

- *The north-eastern corner of the building on the corner of George Street and Argus Lane. The separation in this location varies between 5.6 m and 6.0m.*
- *The south-eastern face of the building fronting Argus Lane. The separation distance to the face of the building is a minimum of 7.9 m and to the face of balconies is 5.75m.*

To the western boundary the minimum separation to the wall is 7.15m but this relates to a very small section of the north-west corner of the western tower, in the location where the western boundary dog-legs. The rear section of the western tower has a minimum separation to the wall of 8.7 m and a maximum separation of 8.77m. To the two west facing balconies in this location the separation is a minimum of 6.52m.

- **Between 54 - 72m**

This relates to a small section of level 18 and level 19 where the separation requirement is 12m.

To the eastern boundary the majority of the eastern face of the building is set back an average of 8.65m and varies between 7.9m and 9.4m.

Between the towers the separation for the majority of the building is 10.2m. The minimum separation is 8.1m for the northern gap and 8.3 m for the southern gap.

To the western boundary the separation distances are the same as those outlined above.

Justification of the contravention of the development standard - response to Clause 24 PLEP 2007

The matters required to be taken into account by the consent authority are detailed in Clause 24(4) of PLEP 2007. A response to these matters is provided below.

- **the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3),**

Subclause 24(3) requires that the applicant demonstrate:

- a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and
- (b) that there are sufficient environmental planning grounds to justify contravening the development standard.

Comment

Strict compliance with the building separation provisions is unreasonable and unnecessary in the circumstances for the reasons outlined below. It is considered that there are sufficient grounds to justify departure from the building separation standard, as outlined below and the additional comments in the tables below:

- *The DA reflects the successful competitive design excellence process.*
- *The building substantially meets the relevant provisions, and in particular up to 36 m in height.*
- *Above 36m, and between 36 m and 54 m, the departure from the standard is minor and occurs*
- *only in those areas detailed in section 4 above.*
- *Above 54m the departure from the standard is again relatively minor in that it is effectively to do with one level only (level 19) and a small component of level 18, the top two residential levels of the building.*
- *The apartments have been designed so as to maximise internal amenity and outlook, while minimising privacy and overlooking. Strict compliance with the building separation provisions, in those locations where there are departures, would not result in any change or improvement to the amenity of apartments or to the public domain.*
- *The two tower design results in is better planning outcome for the site, as compared to a single tower. The two towers design results in enhanced solar access, cross-ventilation and access to views. It also reduced the building bulk.*
- *A greater separation between the buildings, in order to strictly comply with the development standard, would result in some floor space being located elsewhere on the site, most likely on to the George Street elevation. This would be contrary to the Design Competition Jury support for a lower George Street elevation (as reflected in the DA drawings) that align with an adjacent building, and allowing greater sunlight to penetrate the pool and common areas of the development.*
- *The objectives of the building separation standard are met, as outlined in the table below.*
- *There is no environmental planning benefit from enforcing strict compliance with the standard. The objectives of the standard are met; the design of the development is derived directly from a successful design competition, and the development responds effectively and sensitively to the location and the surroundings.*
- *The relatively minor departures from the building separation standard do not raise any matters of significance for State or regional planning.*
- *There is no public benefit to be derived from strict adherence to the building separation standard.*

- The competitive design process has dealt with public interest issues such as the public domain and the justifiable departures from relevant planning controls.
- **the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out**

Section 2.4 of PDGP 2007 includes the building separation provisions. The stated objectives and comments in response are provided below:

Building Separation Objectives	Comment
To ensure an appropriate level of amenity for building occupants in terms of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy.	<p>The positioning of the two towers and the orientation and design of the apartments reflects the winning design competition. The acceptable design is reflected in the design competition Jury comments:</p> <p>“The Jury appreciates the use of balconies as integrated, tectonic elements that organise the façade; and the use of louvres and infill panels that respond to both the orientation and to internal planning.</p> <p>The scheme successfully marries internal planning with the façade expression. Apartments are well designed with well-proportioned rooms and utilise space effectively.</p> <p>Apartments are designed to take advantage of orientation and views, while maintain privacy.</p> <p>Natural light is provided into corridors and lift lobbies. Visual links between lobbies and corridors is appreciated.”</p> <p>The apartments generally meet the amenity provisions of SEPP 65 and the Residential Flat Design Code in terms of daylight, cross-ventilation and privacy.</p> <p>Apartments within the towers have been designed so as to maximise outlook and exploit orientation, with the majority of apartments facing north, east and west. Sensitive design results in protection of privacy and no unacceptable overlooking impacts. As can be seen in the accompanying architectural drawings, the majority of the apartments meet the separation requirements, with generally minor encroachments at upper levels.</p>

<p><i>To achieve usable and pleasant streets and public domain areas in terms of wind mitigation and daylight access.</i></p>	<p><i>Again, the DA reflects the successful design competition. Relevant Jury comments are:</i></p> <p><i>"The conceptual approach to the building form and its ground plane are derived from a considered response to the surrounding urban context. The through site link integrates the building into Parramatta's street network and connects it to the river.</i></p> <p><i>George Street podium façade establishes a datum that responds to the heritage cottage across the street and mediates between the city core and the future adjacent development. The framing element visually groups the podium floor levels, creating an appropriate scale and elegance to the George Street façade."</i></p> <p><i>The design responds effectively to the frontages of George Street, Argus Lane and Union Street with active frontages. The above tower elements generally do comply with the building separation provisions, with only the very upper levels departing to any extent. Strict compliance with the building separation provisions will make no difference to daylight or wind conditions within the public domain.</i></p>
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Clause 12 and the associated Land Use Table of the PCCLEP 2007 sets the objectives of the B4 – Mixed Use zone and requires that the Council must have regard to the objectives of the zone when determining a development application in respect of land within the zone. Compliance with these objectives is addressed in the table below:

<i>B4 – Mixed Use Zone Objectives</i>	<i>Comment</i>
<i>To provide a mixture of compatible land uses.</i>	<i>The proposal seeks to develop the site for mixed use purposes, providing additional housing opportunities in close proximity to existing employment businesses.</i>
<i>To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i>	<i>The inclusion of residential apartments and commercial tenancies will provide housing opportunities in the vicinity of public transport nodes and employment areas.</i>
<i>To create opportunities to improve the public</i>	<i>The proposed development is a high density residential development within close proximity to the</i>

domain and pedestrian links within the Mixed Use Zone.	Parramatta City Centre. This residential accommodation on the site will promote and support the vitality of retail/commercial uses within the Parramatta City Centre. Also the commercial tenancies provided along the street frontages of the site will activate the public domain at a pedestrian level.
<p>To support the higher order Commercial Core Zone while providing for the daily commercial needs of the locality, including:</p> <ul style="list-style-type: none"> • Commercial and retail development, • Cultural and entertainment facilities that cater for a range of arts and cultural activity, including events, festivals, markets and outdoor dining, • Tourism, leisure and recreation facilities, • Social, education and health services, • High density residential development. 	<p>The high density residential levels of the development will further support and promote the vitality of the Parramatta City Centre through their close proximity to the commercial core zone.</p> <p>Furthermore the ground floor retail/commercial level of the development will further contribute to the support of the Parramatta City Centre through future associated business activity of these tenancies with the commercial core businesses.</p>
To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.	The proposed development will provide uses that will contribute to the activation of the Parramatta City Centre and its immediate public domain including the foreshore of the Parramatta River and 'Harrisford House' (identified heritage item) opposite the site.

Conclusion

Clause 24 of PLEP 2007 has the objectives of flexibility in the application of development standards and achievement of better outcomes for and from development by allowing this flexibility.

This DA arises from, and is reflective of, the competitive design process undertaken by the Council. The design competition Jury formed the opinion that the proposed design was a superior outcome for development on the site, inclusive of departures from relevant PLEP 2007 and PDCP 2007 provisions.

Importantly, the development complies with the core floor space ratio and building height development standards. The development is of a scale, density, form and

land use mix envisaged by the local planning controls, and due to the competitive design process, ensures a superior development outcome in the City Centre.

The departure from the building separation standard is minor and has no material impact on the public domain or on the amenity of individual apartments. The flexible application of the standard results in a superior development outcome, with the objectives relating to daylight, outlook, view sharing, ventilation, wind mitigation, and privacy achieved. Similarly the B4 zone objectives for the site are achieved. In the circumstances of the case it would be unreasonable and unnecessary to enforce strict compliance with the building separation standard. The comments provided with this written request provide sufficient environmental planning grounds to justify contravening the development standard.

Planning Comment:

It is considered that the applicant's written request has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and that there are sufficient environmental planning grounds to justify contravening the development standard.

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 encroachments into the required separation distances to the boundaries and buildings is not inconsistent with the objectives of the development standard or the objectives of the Mixed Use zone. The matter was also referred to Council's Urban Design Team who supported the variations.

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 site of the proposed development is in the vicinity of the State Heritage Register-listed item Harrisford located at 182 George Street, immediately across the street from the subject site. The application was referred to Council's Heritage Officer who raises no concerns with the proposed development.

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 State archaeological significance.

The submitted Heritage Impact Report prepared by Colin Brady Architecture and Planning confirms permits have previously been issued for the site (Permit number 2003/S140/59 for archaeological testing and Permit number 2004/S140/01 for an open area (Large Scale) archaeological excavation) and all requirements of these permits have been complied with. The results of the excavation are retained in the Parramatta Library of the NSW Heritage Office.

The heritage report also states that due to the past investigations the archaeological research potential of the site has already been investigated and there is no requirement for further permits to be obtained for the site. This is confirmed in the email from the NSW Office of Environment and Heritage dated 29 September that is appended to the Heritage Impact Report lodged with the application. This email from the NSW Office of Environment and Heritage reads as follows:

Permits were issued under the Heritage Act, 1977, for archaeological works to take place. These were Permit number 2003/5140/59 for archaeological testing and Permit number 2004/5140/01 for an open area (Large Scale) archaeological excavation.

The work under those permits was completed and the Heritage Council received a final report by Casey & Lowe which sets out the results of the archaeological programme in 2006.

I have checked the Conditions of Approval for the permits, and there are no outstanding matters.

Although that is the case, if a new development is about to occur at the site the Heritage Branch would welcome the opportunity to discuss whether some of the results and objects recovered during the archaeological programme might be able to be interpreted within the new development.

That has been done at a number of other sites in Parramatta, in a variety of ways.

The NSW Office of Environment & Heritage (OEH) were contacted on numerous occasions during the assessment of the application to confirm that no further excavation permits are required for the development of this site with respect to European or Pre-European archaeology. The correspondence to the OEH also noted that the applicant was considering interpreting excavated relics and objects within the proposed Arts Plan. No written response has been received from the OEH. Council's Heritage Advisor has discussed the matter with the OEH who raise no issue with the proposal subject to the excavated material being appropriately interpreted.

A condition has been incorporated within the Recommendation of the report requiring the applicant to seek a further excavation permit if required.

An arts plan was later submitted with the application. This plan identifies the strong European and Aboriginal heritage theme of the site and proposes to incorporate

some of the objects recovered during the archaeological programme in the artworks display. The arts plan was referred to Council's Arts Officer who raises no objection to the proposed Arts Plan subject to the imposition of appropriate conditions.

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 high sensitivity under the Aboriginal Pleistocene Study. The Deerubbin Local Aboriginal Land Council and the Dharug Tribal Aboriginal Corporation were notified of the proposal on 14 November 2011. No responses have been received.

The site has been the subject of an archaeological excavation in the past (see comments above).

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 continuous built edge to all street frontages and a Type A street frontage type (minimum 18m – maximum 20m at street setback then 6-10m setback above).

The majority of the development complies with the street alignment requirements, however some alcoves are located along Argus Lane. No street frontages comply with the street frontage type requirements.

The application was the winning entry in a design excellence competition. The Jury considered the urban design qualities of the proposal in detail and supported the non-compliances with the street alignment and street frontage types as the development provides an appropriate response to the surrounding urban context and establishes a datum that responds to the heritage cottage across the street and mediates between the city core and the future adjacent development.

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 4m 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 252m². The proposal provides for 276m² of deep soil primarily within the perimeter and planting on structures. 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 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. Notwithstanding this, the application proposes a through site link from Union Street to George Street.

Active Street Frontages and Address

The DCP indicates that an active street frontage is required to all street frontages of the proposed development. The building offers ample street activation with ground tenancies facing all streets.

Front Fences

The proposal provides for low block fencing along the Argus Lane frontage 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. 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 entries to the site provide 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 areas, 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 on the ground floor. 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.
- An adequate erosion and sediment control plan was submitted with the application.
- Wind will be controlled through the use of appropriate screening and deflection devices. The application is supported by a wind report to ensure the development achieves the objectives of the development controls.
- The application provides for adequate stormwater management and will not impact upon the flood liability of any nearby properties.

Although George Street and Union Street are not identified as main roads, the applicant has submitted an acoustic report outlining the potential impacts of traffic noise upon the development, and the impacts 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
Studio & 1 bedroom	min 10% max 25%	23.5%
2 bedroom	max 75%	70.5%
3 bedroom	min 10%	6%

The minor non-compliance is considered acceptable as the shortfall in units is unlikely to have significant impacts upon housing choice within the City Centre.

Twenty six 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 located within the City East Special Area.

The City East area adjoins the Robin Thomas Reserve. It is envisaged that the future development in the area will address the significance of the locality and park location with complimentary buildings and high quality architecture.

The proposed development complies with the objectives of the City East Special Area as it assists in establishing a mixed-use precinct with a positive built address to Robin Thomas Reserve; it provides a good connection to the river foreshore, promotes a public domain that encourages increased activity in the evenings and at weekends.

The proposed development complies with the controls of the City East Special area as it activates the street edge with multiple pedestrian entries, flexible ground and first floor spaces and provides for retail on the corners of the site. It also provides a

through block connection to a system of pedestrian oriented spaces that link to the open space network, the river foreshore and the ferry wharf.

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 indicates acceptable footpath levels and gradients for the proposed development. Council's Civil Assets section have reviewed and approved the Alignment Plan.

A detailed Public Domain Plan is to be submitted to Council before the issue of a Construction Certificate. This requirement is contained within the Recommendation section of the report.

Arts Plan

An arts plan was submitted with the application. This plan identifies the strong European and Aboriginal heritage theme of the site and proposes to incorporate some of the objects recovered during the archaeological programme in the artworks display. The arts plan was referred to Council's Arts Officer who raises no objection to the proposed Arts Plan subject to the imposition of appropriate conditions.

PARRAMATTA CITY CENTRE – LANES STRATEGY

The Parramatta City Centre Lanes Strategy applies to the proposed development. Argus Lane is identified as being an existing lane to be retained and enhanced.

It is considered that this laneway has been appropriately addressed within the design of the proposed development. Separate tenancies have been provided fronting Argus Lane to sufficiently activate the laneway.

Council's Urban Design Team have reviewed the application in relation to the City Centre Lanes Strategy and report as follows:

The Lanes Strategy (p36) states that Argus Lane is to be retained and upgraded. The Lanes Inventory (p53) indicates that the lane is not currently lit and states that

'Argus Lane currently has very poor building address and would be much improved by new buildings with active uses and well designed elements addressing it.'

The proposal has responded to the Lanes documents by providing four ground floor commercial tenancies with individual pedestrian entries and glass shopfronts that address Argus Lane. This would provide building address, streetscape activation and passive surveillance opportunities and is considered acceptable.

The Ground Level Landscape Plan (01 Rev C) by McGregor Coxall indicates a footpath of approximately 2m wide along Argus Lane which is to be paved to Council's Standard details. This is acceptable and further footpath widening should not be required.

Street lighting should be provided to Argus Lane to meet AS/NZS 1158.1 Part 1 Vehicular traffic (Category V) lighting – performance and design requirements.

The recommended light fitting is 12vdc Green Street Light fitting with lamp to meet P2 category for pedestrians along the laneway. The pole is to be INGAL GPS as per attached detail.

Planning Comment: The above requirements have been included in the Public Domain Plan requirements as contained within the Recommendation section of this report.

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. A condition requiring the payment of \$2,249,801.65 has been incorporated within the Recommendation section of this report.

PLANNING AGREEMENTS

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

REGULATIONS

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

LIKELY IMPACTS

Urban Design

Details of the architectural design and elements of the proposal, and compliance with Council's City Centre LEP and DCP have been discussed within this report. Although there is a minor variation to the 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 a heritage item within George Street. The heritage impacts of the proposed development have been discussed within this report.

Landscaping, Tree Removal, Flora and Fauna

No trees will be removed for this development application. 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. Twenty six 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 impact upon some existing utilities and public infrastructure. An existing sewer pipe will require relocation. The existing electricity substation is also to be relocated on site and is indicated within the ground floor plans. 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 commercial/retail components along George Street, Argus Lane and Union Street and location of habitable windows facing the street on assists in activating the street and providing natural surveillance.

Soil Management

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

Social & Economic Impact

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

ESD & The Cumulative Impact:

The development satisfactorily responds to ESD principals. The proposal is not expected to have any cumulative impacts. The proposal is not considered to inhibit the ability of future generations to use or further develop the subject site.

SUITABILITY OF THE SITE

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

SUBMISSIONS & PUBLIC INTEREST

Two submissions were received in response to the notification of the application. The issues raised within the submissions have been addressed within this report and do not warrant the refusal 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.

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/694/2011 is consistent with the aims of the LEP, grant consent to Development Application No. DA/694/2011 for the consolidation and construction of a 19 storey mixed use development comprising retail commercial space at ground level and 264 residential apartments over basement carparking on land at 109-113 George 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 ^o	Dated
Cover Sheet Drawing No. DA-A-001 – Issue 8	15/03/2012
Site Plan Drawing No. DA-A-002 – Issue 8	15/03/2012
Site Analysis Drawing No. DA-A-003 – Issue 8	15/03/2012
Ground Floor Plan Drawing No. DA-D-001 – Issue 8	15/03/2012
Level 2 Drawing No. DA-D-002 – Issue 8	15/03/2012
Level 3 Drawing No. DA-D-003 – Issue 8	15/03/2012
Level 4 Drawing No. DA-D-004 – Issue 8	15/03/2012
Level 5 Drawing No. DA-D-005 – Issue 8	15/03/2012

Drawing N^o	Dated
Level 6 Drawing No. DA-D-006 – Issue 8	15/03/2012
Level 7 Drawing No. DA-D-007 – Issue 8	15/03/2012
Level 8-19 Typical Plan Drawing No. DA-D-008 – Issue 8	15/03/2012
Adaptable Apartment Type 19 Drawing No. DA-D-009 – Issue 8	15/03/2012
Roof Plan Drawing No. DA-D-020 – Issue 8	15/03/2012
Basement Level 01 Plan Drawing No. DA-D-101 – Issue 8	15/03/2012
Basement Level 02 Plan Drawing No. DA-D-102 – Issue 8	15/03/2012
Basement Level 03 Plan Drawing No. DA-D-103 – Issue 8	15/03/2012
North Elevation Drawing No. DA-E-001 – Issue 8	15/03/2012
East Elevation Drawing No. DA-E-002 – Issue 8	15/03/2012
South Elevation Drawing No. DA-E-003 – Issue 8	15/03/2012
West Elevation Drawing No. DA-E-004 – Issue 8	15/03/2012
Section AA Drawing No. DA-F-001 – Issue 8	15/03/2012
Section BB Drawing No. DA-F-002 – Issue 8	15/03/2012
Materials Selection Drawing No. DA-Z-005 – Issue 8	15/03/2012
Landscaping Drawings Ground Level 01 – Revision D Level 02 – Revision C Level Two Section 03 – Revision C Ground Level – Deep Soil Zones 04 – Revision B Level Two – Deep Soil Zones 05 – Revision A	Undated
General Alignment Plan Job No. C0090190 Drawing C2-00 Revision D Job No. C0090190 Drawing C3-40 Revision B	06/03/2012 06/03/2012
Engineering Plans Drawing List, General Notes & Locality Plan, Drawing No. C0-00, Revision B, prepared by Smart Civil Pty Ltd (Engineering Consultant). On – Site Stormwater Detention Tank Details, Drawing No. C4-30, Revision A, prepared by Smart Civil Pty Ltd.	21/09/2011 21/09/2011

Drawing N ^o	Dated
Erosion & Sediment Control Plan, Drawing No. C1-10, Revision B, prepared by Smart Civil Pty Ltd.	21/09/2011
Civil Works Details, Drawing No. C3-80, Revision B, prepared by Smart Civil Pty Ltd.	21/09/2011

Document N ^o	Dated
Access Review Report prepared by Morris-Goding Accessibility Consulting – Final V4	26/09/2011
Waste Management Plan prepared by JD Macdonald	Sept 2011
Basix Certificate No. 390452M	29/09/2011
Wind Assessment – CPP Project:6186 prepared by Cermak Peterka Petersen	Sept 2011
Noise Assessment Report Document No. 20110794.1/2208A/R0/JZ – Revision 0 prepared by Acoustic Logic dated.	22/08/2011

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. 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.

7. Security doors to the apartment lift lobbies 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.

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

Reason: To ensure satisfactory stormwater disposal.

9. 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.

10. 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.

11. Prior to commencement of any excavation work on council's road, nature strip or concrete footpath, a Road Opening Permit shall be obtained from council by lodging the application for a Road Opening Permit. Upon completion of the work, the road, the nature strip, and concrete footpath shall be reinstated to its original state to the satisfaction of Council.

Reason: To ensure Council's approval is obtained prior to commencement of any work on council's road, nature strip and concrete footpath and reinstated to its original state upon completion of the works.

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

Reason: To comply with Council requirements.

Prior to the release of a Construction Certificate:

13. The existing lots shall be consolidated into one (1) lot and the plan of consolidation registered at the NSW Department of Lands. Proof of registration shall be submitted prior to issue of the Construction Certificate.

Reason: To ensure consolidation occurs.

14. 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) 254 off-street parking spaces (236 spaces for residents in 3 basement levels including 26 disabled parking spaces; 9 spaces for commercial/retail component; 9 spaces along the 'Shared Zone' in a 'One-Way' roadway - northerly direction between Union Street and George Street) 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 5.8m aisle width minimum. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space).
- b) Parking space numbers 46, 51, 56, 82, 86, 93, 128, 132, 137, 142, 171, 175, 182, 217, 222, 227, 232 and 262 are to be modified to comply with the dimensions and configuration of the disabled parking spaces in accordance with Figure 2.3 or 2.3 of 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) 62 bicycle spaces and 21 motorcycle parking spaces are to be provided as shown on the plans and to be used accordingly.
- d) The 2 parking spaces marked as 'small car bay' are acceptable provided that these spaces will be marked as such on the pavement.
- e) All traffic within the basement level parking areas is to be marked on the pavement by directional arrows.
- f) Loading and unloading activities are to be carried on site with the largest delivery vehicle being a medium rigid vehicle.
- g) Access into and out of the site is provided off Union Street via 3 driveways are to be provided and constructed according to AS 2890.1-2004 and Council's specification as follows:
 - Combined entry and exit driveway on the western end of the property close to Argus Lane (7m wide with 300mm clearance both sides between kerbs) to the commercial/retail areas and loading dock. The access driveway to the parking area is 5.6m wide.
 - An entry only driveway (3.5m wide with 300mm clearance both sides between kerbs) 'One-Way traffic in a northerly direction' via a private laneway 'Shared Zone' near the eastern end of the property.
 - Combined entry and exit driveway (5.5m wide with 300mm clearance both sides between kerbs) on the eastern end of the property to the basement level parking areas.

- h) Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.
- i) The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8) and Heavy Duty Vehicular Crossing plan (DS9).
- j) "Shared zone speed limit signs' in accordance with the Roads and Traffic Authority and Austroads Guide to Traffic Management are to be installed and approved by the RTA. The applicant is to submit an application to the Roads and Traffic Authority for approval to install "Shared Zone Limit " signs along the private laneway.
- k) Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.
- l) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.
- m) 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.
- n) 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.
- o) 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.
- p) A convex mirror is to be installed within the ramp access at each basement level (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.

15. 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.

16. 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.

17. A monetary contribution comprising **\$2,249,801.65** 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.

Reason: To comply with Council's Section 94A Contributions Plan.

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 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

24. 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.

25. The existing Sydney Water sewer lines traversing through the development site shall be relocated to enable the basement construction. In this regard the approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For Quick Check agent details please refer to the web site www.sydneywater.com.au see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to works commencing on site.

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

26. 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 following approved drainage related concept plans:

- Drawing List, General Notes & Locality Plan, Drawing No. C0-00, Revision B, dated 21/09/2011, prepared by Smart Civil Pty Ltd (Engineering Consultant).
- On – Site Stormwater Detention Tank Details, Drawing No. C4-30, Revision A, dated 21/09/2011, prepared by Smart Civil Pty Ltd.
- General Arrangement Plan, Drawing No. C2-00, Revision B, dated 21/09/2011, prepared by Smart Civil Pty Ltd, prepared by Smart Civil Pty Ltd.
- Erosion & Sediment Control Plan, Drawing No. C1-10, Revision B, dated 21/09/2011, prepared by Smart Civil Pty Ltd.
- Civil Works Details, Drawing No. C3-80, Revision B, dated 21/09/2011, prepared by Smart Civil Pty Ltd.

(Please Note: The DA approved Concept drainage Plans are concept in nature only and not to be used as construction drawings).

- b. The proposed On-Site Detention (OSD) Systems have 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. Detailed drainage plans with cross sectional details of OSD storage tank in relation to the rainwater tank; pits, connections etc, OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet for the detention system are submitted. Consideration is also given to provide adequate cross ventilation facilities to the OSD tank. In this regard the proposed sealed access covers may be converted into open grated covers. All access covers to the OSD / rainwater tanks are secured with child proof locking devices.
- d. Structural details and a Certificate of Structural Compliance of the proposed underground tank, cover slab and the rain water tank associated with the development and OSD system shall be included with the final drawings submitted with the Construction Certificate application.
Reason: To minimise the quantity of storm water run-off from the site, surcharge from the existing drainage system and to manage downstream flooding. Also to ensure the underground tank and associated cover slabs and walls are structurally adequate.

27. A pumped drainage system shall be installed under the lowest basement floor level during the excavation process. Appropriate drainage points shall be constructed along the perimeter cut-off walls to direct seepages into a collection point for pumping out. Details of the dewatering system shall be included with the final drainage plans submitted to the Principal Certifying Authority, with the Construction Certificate application.

Reason: To ensure adequate dewatering system is in place to manage any on going seepage at the basement floors.

28. The final building construction designs, foundations and the excavation method proposed for the development shall be based on the Geotechnical and Hydro geological Assessment Report, dated 19 August 2008, prepared by Mark George, Engineering Geologist of Coffey Geotechnics (Specialists Managing the Earth). Prior to the approval of the Construction Plans, the person issuing the Construction Certificate shall ensure the final plans have been complied with the requirements and recommendations outlined in the Geotechnical Report.

Reason: To ensure compliance with the Geotechnical Report.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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

34. 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.

35. 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.

36. 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.

37. Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.

Reason: To protect Council's infrastructure.

38. 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.

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

Note: The applicant will be required to engage a Heritage Interpretation Specialist to prepare a heritage interpretation concept plan that addresses the treatments and accessibility of the artwork.

Reason: To ensure an appropriate Arts Plan is submitted.

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

Notes:

- (a) The plan shall clearly indicate site levels, elevations and sections (where necessary) as well as explanation of all materials, paving types etc and to include:
- Materials and finishes of all paved areas/hard surfaces/footpaths around the perimeter of the building in accordance with the requirements of the relevant Council public domain policy for the City Centre and the relevant design standards;
 - Location, numbers, spacing and types of street trees in accordance with Council's street tree policy for the city centre;
 - Street tree planting specifications;
- (b) Street lighting should be provided to Argus Lane to meet AS/NZS 1158.1 Part 1 Vehicular traffic (Category V) lighting – performance and design requirements. The recommended light fitting is 12vdc Green Street Light fitting with lamp to meet P2 category for pedestrians along the laneway. The pole is to be INGAL GPS.

Reason: To improve the public domain.

41. 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.

42. 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.

43. 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.
44. Acoustic measures are to be carried out in accordance with the recommendations. Appropriate certification that the works have been carried out and comply with the recommendations of the acoustic report 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.
45. Acoustic measures are to be incorporated within the design in accordance with the recommendations outlined within Section 6 of the Noise Assessment Report Document No. 20110794.1/2208A/R0/JZ – Revision 0 prepared by Acoustic Logic dated 22 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.
46. Prior to the issue of a Construction Certificate, the applicant/developer is to approach the NSW Office of Environment & Heritage (formerly the Heritage Branch of the NSW Department of Planning) to satisfy any archaeological requirements for the site. This may include a further archaeological assessment or a request for an exemption permit.
- A copy of the written correspondence from the NSW Office of Environment & Heritage confirming that their requirements have been satisfied shall be provided to Council and the Principal Certifying Authority prior to the issue of the construction certificate.
- Reason:** To ensure that the requirements of the NSW Office of Environment & Heritage are satisfied.

Prior to Commencement of Works:

47. 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.

48. 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.

49. 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.

50. 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.

51. The site must be enclosed with a 1.8m 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.

52. 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.

53. 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.

54. 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.

55. 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.

56. 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.

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

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

58. 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.

59. 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.

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

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

During Construction or Works:

61. 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.

62. 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.

63. 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.

64. 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.

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

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

Such circumstances where extended hours may be permitted include:

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

Reason: To protect the amenity of the area.

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

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

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

67. 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.

68. 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.

69. 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.

70. 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.

71. 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.

72. 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.

73. 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.

74. Any remediation works shall be carried out in accordance with clauses 17 and 18 of State Environmental Planning Policy 55 - Remediation of Land.

Reason: To comply with the statutory requirements of State Environmental Planning Policy 55.

75. Any contamination material to be removed from the site shall be disposed of to an EPA licensed landfill.

Reason: To comply with the statutory requirements of the Protection of the Environment Operations Act 1997.

76. The applicant is to notify Council in writing thirty (30) days before the commencement of any remediation work.

Reason: To ensure compliance with clause 16 of State Environmental Planning Policy 55 - Remediation of Land.

77. All works are to be carried out in accordance with the recommendations outlined within the document entitled "*Submission of previous geotechnical, environmental and hydrogeological reports for proposed residential development*" prepared by Coffey Geotechnics dated 29 September 2011. Appropriate certification that the works have been carried out in accordance with the recommendations of the this document 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.

78. 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:

79. 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.

80. 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.

81. 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.

82. 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. 390452M dated 29 September 2011 will be complied with prior to occupation.

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

83. Acoustic measures are to be carried out in accordance with the recommendations outlined within Section 6 of the Noise Assessment Report Document No. 20110794.1/2208A/R0/JZ – Revision 0 prepared by Acoustic Logic dated 22 August 2011. Appropriate certification that the works have been carried out and comply with the recommendations of the acoustic report 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.

84. 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.

85. 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.

86. 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.

87. 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.

88. 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.

89. 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.

90. 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. An additional clause shall be included with the Positive Covenant, for the maintenance of the basement pump system. Typical examples of the Positive Covenants and the Restriction can be obtained from Council's Development Unit. 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 and pump facilities.

91. 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.

92. 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 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.

93. An effective evacuation report and procedure shall be prepared by an appropriate consulting engineer. The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be provided to Council for record keeping purposes. The report shall incorporate an effective evacuation process and procedure for egress both from the site in the early stages of a storm to upper floor evacuation during the peak of storm events. Suitable warning signs with evacuation routes lift access restrictions and other flood warning systems shall be installed for the basement levels to warn and prevent people from going into basements in the event that water starts to overtop the ramp threshold and flood the basement.

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

94. 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.

95. The artworks (Arts/Interpretation Plan) are to be installed to the satisfaction of Council prior to the issue of the occupation certificate.

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

96. Prior to the issue of any occupation certificate, evidence that a waste collection service contractor has been engaged to service the site shall be submitted to the satisfaction of the PCA.

Reason: To ensure a waste collection service is commenced at the time of occupation of the development.

Use of the Site:

97. 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.

98. 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.
99. Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 1996 and in accordance with the Environment Protection Authority's Waste Tracking Guidelines as described in the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).
Reason: To prevent pollution of the environment.
100. 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.
101. All loading and unloading shall take place within the designated loading areas on the subject property.
Reason: To protect the amenity of the area.
102. To preserve the streetscape, roller shutters are not to be placed over the entrance or the windows of the retail/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.
103. No air-conditioning condensers/units are to be located on any of the balconies.
Reason: To ensure the amenity of the units and visual amenity of the building.
104. A single antennae for the purpose of receiving television signals and a single satellite dish for the purpose of receiving satellite signals shall be installed for the entire building and not affixed to balconies or walls of individual units, and shall not be visible from any frontage.
Reason: To ensure the amenity of the area.