

**JOINT REGIONAL PLANNING PANEL
(Sydney West Region)**

JRPP No	2012SYW072
DA Number	DA/391/2012
Local Government Area	Parramatta City Council
Proposed Development	Staged Development Application for a Mixed Use Development
Street Address	2 Morton Street, Parramatta
Applicant/Owner	Frasers Morton Pty Ltd
Number of Submissions	1
Recommendation	Deferred Approval with Conditions
Report by	Rean Lourens



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

SUMMARY

Application details

DA No:	DA/391/2012
Assessment Officer:	Rean Lourens
Property:	2 Morton Street, Parramatta LOT 1 DP 817709
Proposal:	<p>Staged Development Application for the construction of a Mixed Use development including 774 dwellings, retail and commercial uses.</p> <p>Stage 1 comprises tree removal and construction of a residential flat building complex containing 277 dwellings and 404 car parking spaces, dedication of land to Council for a Foreshore Park and land for a portion of the proposed north/south internal road off Broughton Street. Buildings within Stage 1 are up to 12 storeys in height.</p> <p>Concept approval is sought for Stage 2, comprising a Mixed Use development of up to 7 storeys.</p> <p>Concept approval is sought for Stage 3 comprising a Mixed Use development of up to 12 storeys.</p>
Cost of works:	\$101,160,055
Date of receipt:	5 July 2012
Applicant:	Frasers Morton Pty Ltd
Owner:	Frasers Morton Pty Ltd
Submissions received:	1 submission received

Property owned by a Council employee or Councillor:	No
Council application:	No
Issues:	Density and Building separation
Recommendation:	Deferred Commencement Consent

Legislative Requirements

Zoning:	R4 High Density Residential B4 Mixed Use RE1 Public Recreation W1 Natural Waterways
Permissible under:	Parramatta LEP 2011
Relevant legislation/policies:	SEPP 55, SEPP 65, SEPP (BASIX), SEPP (Infrastructure), Parramatta LEP2011, Parramatta DCP 2011, Sydney Harbour Catchment SREP
Variations:	Various DCP non-compliances
Integrated development:	Yes Office of Water
Crown development:	No

The site

Site Area:	4.924ha
Easements/rights of way:	The submitted survey does not indicate any easements or restrictions existing upon the subject site
Heritage item:	Yes Item I1 – Wetlands along Parramatta River.
In the vicinity of a heritage item:	No
Site History:	DA/97/1995 – Occupation and fit-out of existing industrial unit.

DA/592/1995 – To erect an advertising sign.

RZ/17/1996 – The draft plans aims to rezone the subject site from Industrial Zone 4 (b) to Industrial Zone 4(e).

DA/220/1997 – To consolidate and reconfigure 3 approved warehouse units for the purpose of warehousing etc.

DA/220/1997/A – To generate additional floor area and a variation in hours of operation.

DA731/1997 – Installation of perimeter fencing and entry gates.

DA/523/1998 – One advertising sign to front of building.

DA/523/1998 – External refurbishment to existing unit no. 1, 2 & 3; recladding; new shopfront; and split face etc.

DA/1225/1998 – To reconfigure units 4,5 & 6 to use for the storage and distribution of wine and spirits.

DA/997/1999 – Unit 11 modify existing consent

DA/1117/1999 – Building of internal walls for the use of electrical repair rooms.

DA/1797/1999 – Internal alterations to create additional offices.

DA/1363/2000 – To construct 7 industrial units with carparking, driveway, loading docks and landscaping.

RZ/28/2009 – Rezoning of 2 Morton Street, Parramatta

DA/287/2012 – Construction of sales centre associated with future development of the site.

DA history

5 July 2012	DA lodged
10 July 2012	Request for additional information: <ul style="list-style-type: none">➤ Amended Landscape Plan
12 July 2012 – 18 August 2012	DA notified.
23 July 2012	Amended Landscape Plan submitted.
6 August 2012	Request for additional information from RMS: <ul style="list-style-type: none">➤ Additional traffic data showing the impact on the nearby arterial road (James Ruse Drive and Victoria Road).➤ A breakdown of the mixed use development.
13 August 2012	Design Excellence Advisory Panel (DEAP) meeting.
16 August 2012	Request for additional information: <ul style="list-style-type: none">➤ Voluntary Planning Agreement (VPA).
21 August 2012	Comments regarding the VPA received from applicant.
31 August 2012	Additional information regarding the DEAP recommendation submitted.
14 September 2012	General Terms of Approval received from the Office of Water.
12 November 2012	Request for additional information: <ul style="list-style-type: none">➤ Additional DEAP issues➤ Voluntary Planning Agreement➤ Arts Plan➤ Landscaping➤ Engineering➤ Public Notification
22 November 2012	JRPP Briefing Session.
23 November 2012	Additional information and plans received.
28 November 2012	Legal advice regarding the VPA agreement received

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is located at 2 Morton Street Parramatta and is situated on the southern side of Broughton Street and to the east of Morton Street. The land is generally rectangular in shape with total site area of 4.924ha and is legally described as Lot 1 DP 817709. The Parramatta River forms the southern boundary of the site.

The site slopes in a southerly direction towards the Parramatta River frontage with a maximum fall of 12m. The foreshore is identified as flood prone and is inundated during both 1 in 20 years and 1 in 100 years flood events.

The eastern section of the site is vacant, contains a drainage channel and some vegetation along the central and southern areas.

The western portion of the land is developed with three (3) industrial warehouses. The industrial buildings located towards the north western corner of the site contain a number of light industrial warehouses and are fully occupied. The other warehouse building is currently occupied by Toshiba International Corporation. A large at-grade carpark is located along the southern boundary.



Figure 1: Locality Map

North:

Development to the north of the site consists primarily of low-density residential development. The area was recently rezoned to R4 High Density Residential, with a maximum permitted building height between 11m and 14m.

West:

The Parramatta City Council Work Depot is located on the western side of Morton Street.

South:

The Parramatta River forms the southern boundary of the site. The Parramatta city centre is located approximately 1.2km to the south west of the site.

East:

The Baludarri Wetlands are located to the east. The campus of the University of Western Sydney is located along James Ruse Drive, a short distance to the east.

THE PROPOSAL

The proposal consists of a number of components including:

- Staged development approval in accordance with Section 83B for a mixed use development over three stages
- Super lot subdivision – 1 into 3 Lots
- A detailed 277 unit Residential Flat Building as part of Stage 1 of the development proposal and stratum subdivision

Staged Approval:

The proposed staged approval comprises a mixed use development. The development will be undertaken over three stages to allow for the incremental removal of the existing industrial uses from the site.

Stage 1

Stage 1 will comprise a 277 unit residential flat building development over 12 storeys on the vacant section of land along the eastern boundary of the site. This will allow the industrial development to continue operations for the short to medium term.

Stage 2 & Stage 3

Stage 2 & Stage 3 are concept only and will comprise a mixed use development that will include a 497 unit residential component and mixed commercial and retail development along the Morton Street frontage. Stage 2 will necessitate the demolition of the existing business park located at the intersection between Broughton and Morton Streets and Stage 3 will require the removal of the Toshiba headquarters and at-grade carpark from the south western portion of the site.

The latter stages will also include the construction of a foreshore Road, the extension of New Zealand Street, a foreshore road and a north/south road between the Stage 1 and Stage 2 & 3 buildings.



Figure 1: Staged Masterplan

The application includes a Voluntary Planning Agreement entered into during the rezoning of the site in 2009. The works comprise contributions towards the construction of:

- A pedestrian bridge over the Parramatta River;
- A river platform;
- A cycleway;
- Numerous minor works; and
- The dedication of foreshore lands along the Parramatta River.

Super Lot Subdivision:

It is further proposed to subdivide the land into three Torrens Title lots.

Lot 1 – The lot will have a site area of 1.54ha and include the works proposed under Stage 1 of the application. The allotment includes the north/south road that will be dedicated to Council.

Lot 2 – The lot will have a site area of 2.385ha and include the works proposed under Stage 2 and Stage 3 of the staged development. The allotment includes various roads that will be dedicated to Council.

Lot 3 – The lot will have a site area of 0.995ha that will be dedicated to Council under the provisions of the Voluntary Planning Agreement.

Stage 1: Detailed Development Proposal:

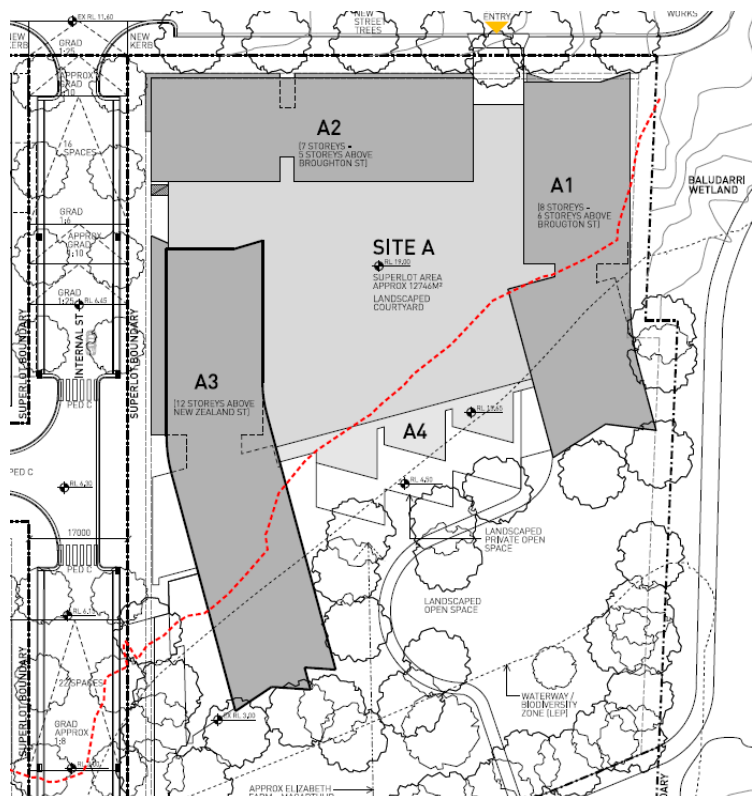


Figure 2: Stage 1 – Building Configuration

Stage 1 will comprise of a 277 unit residential flat building complex. The development will include three buildings over a maximum 12 storeys, with:

- 60 x one bedroom apartments;
- 209 x two bedroom apartments; and
- 8 x three bedroom apartments.

The table below provides a breakdown of the configuration of each building within Stage 1.

Building	Number of Units	Building Height	Orientation
A1	68	31m	North/South
A2	53	28m	East/West
A3	147	40m	North/South
A4	9	19m	East/West

The development will comprise of four buildings surrounding a communal podium area. The southern section of the land will be developed as private parkland and will form part of the communal open space associated with the development.

The majority of units will be provided with balconies or courtyard in excess of 10m², with the remaining units provided with between 8m² and 10m².

Vehicle access to the podium carpark is provided from the existing Broughton Street formation, with pedestrian access provided from both the Broughton Street and the north/south road that will be constructed as part of Stage 2.

The 404 space carpark is arranged over 4 levels and located centrally to the development with the residential development arranged around the carpark. The podium carpark will also include 140 bicycle spaces and storage cubicles.

Stage 1 of the proposal will include site preparation works and the removal of 35 trees as part of the site preparation works.

The landscaping proposed as part of the development includes:

- Planting along the Broughton Street frontage;
- Two (2) green walls to screen the carpark levels from the road frontages
- Deep soil planting on the podium level; and
- The creation of private parkland to the south of the residential component.

Voluntary Planning Agreement:

The proposal is subject to a VPA agreed upon at the rezoning of the site in 2009.

The contributions and works are detailed below:

	Type	Value	Timing	Works
Item 1	Dedication of Land	Parcel 1: 9,950m ² Parcel 2: 2,650m ²	Stage 1	N/A
Item 2	Cash	\$1.75m	Stage 1	Contribution towards Pedestrian Bridge
Item 3	Cash	TBA	If overall GFA exceed 69,153m ²	
Item 4	Works in Kind	\$80,000	Stage 2	Public Artwork
Item 5	Works in Kind	\$150,000	Stage 1	Pathway between Morton Street and new north/south road
Item 6	Works in Kind	\$100,000	Stage 1	Boardwalk and platform
Item 7	Works in Kind	\$440,000	Stage 3	Road construction
Item 8	Works in Kind	\$250,000	Stage 1	Landscaping
	Works in Kind	\$100,000	Stage 3	
Item 9	Works in Kind	\$50,000	Prior to last stage	Street planting

BACKGROUND

Pre-lodgement Application - PL/37/2012

13 June 2012 Pre-lodgement meeting

Staged development of residential flat building containing 750 residential apartments, open space, subdivision, carparking and dedication of foreshore land to Council.

The Design Excellence Advisory Panel made the following comments in relation to the project:

1. *The scale and environmental impact of this project creates a wide range of complex issues for consideration in the limited time available for the Panel presentation. It is recommended that Council consider booking a double session for submissions of this scale and complexity.*
2. *Key issues for the Panel are: -*
 - *The four storey carpark structure location and level in the "site A" and "site C" components. Investigate all options to ameliorate its bulk and height impacts.*
 - *Consistency and clarity of public domain plan for this site and its relationship to the river and riverfront properties along this section of the Parramatta River. In particular, the section of foreshore road in front of sites B/C appears isolated and inconsistent with adjacent public land and open space.*
 - *The excessively long and dark corridors immediately adjacent to the elevated carpark levels, creating the potential of two tiers of amenity in proposed development.*
 - *Car park access from Broughton Street, as opposed to the internal street.*
3. *The Panel is generally supportive of Council's Urban Design comments and recommendations included in the DEAP notes.*
4. *With regard to Point 3 - the Applicant had confirmed acceptance of the following Council Planning recommendations and has or will incorporate these into updated drawings:*
 - *The internal streets are to be a full width access streets for both pedestrian and vehicular use,*
 - *The roundabout and footpath extension are to be removed,*
 - *A clear design strategy for potential mixed use development on Morton street will be incorporated,*
 - *Areas of deep soil will be incorporated between buildings.*
5. *With regard to the Point 3 - the Applicant had confirmed additional information is to be provided to respond to the following Council Planning recommendations:*
 - *The interface between the public and private open space on the lower level,*
 - *Proposed treatment of the public private interface with regard to walls, landscaping and the like,*
 - *Impact on views from Elizabeth farm,*
 - *Potential archaeological issues,*

6. *With regard to the Point 3 - the following issues remain unresolved and require additional consideration:*
- *Basement car access from Broughton Street rather than from internal street - The panel noted that this could be achieved within the current design without compromising the design of unit amenity with access between Buildings A2 and A3. However the applicant advised that the internal street is not proposed to be built as part of the first stage "Site C" works. The Panel agreed that access from the internal street is preferable with regard to amenity of the existing houses along Broughton Street.*
 - *Four storey above ground carpark within Site A and Site C – The Applicant advised that if the carpark were lowered then it would be below both the 1: 1 00 year flood level and the average water table. The Panel accepted that this should be avoided, however encouraged the Applicant to consider other alternatives to reduce the height of the carparking.*
 - *Greater integration between upper level built landscape and lower level deep soil landscape - this could be achieved through more generous and potentially terraced communal access between Buildings A1 and A3 and the 4-storey Podium building. This could also assist in introducing more natural light to the carpark level corridors.*
 - *Private open space/balconies should be increased to 10m² as a minimum.*
7. *The Panel generally supports the proponent's proposal for allocation of built form, site planning and height. ie: pulling built form away from 100 year flood line and making it more compact and dense; and arranging the higher forms as fingers at the right-angles to the river in order to create visual permeability, rather than a barrier.*

PERMISSIBILITY

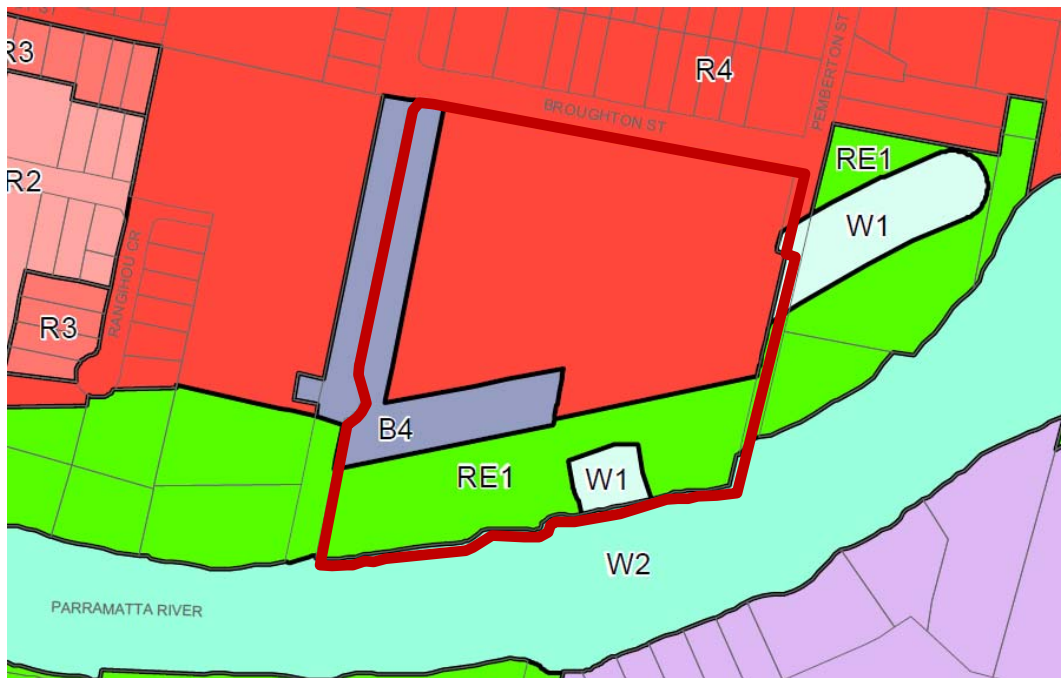


Figure 3: Zoning Map

Under the provisions of the Parramatta LEP 2011, the site is zoned:

- R4 – High Density Residential
- B4 – Mixed Use;
- RE1 – Public Recreation; and
- W1 – Natural Waterways

The proposed development is defined as follows:

Stage 1: Residential flat building that *“means a building containing 3 or more dwellings, but does not include an attached dwelling or multi dwelling housing.”*

Stage 2 & 3: Mixed use development that *“means a building or place comprising 2 or more different land uses.”*

The proposal satisfies the definitions specified above and is permissible under the zonings applying to the land.

Subdivision of land is permissible in accordance with the provisions of Section 4.1 of the LEP.

INTERNAL REFERRALS

Traffic & Transport Investigations Engineer

The application was referred to Council's Traffic & Transport Investigations Engineer who recommended the following:

The proposed development for Stage 1 (Site A) can be supported on traffic and parking grounds provided that the applicant be required to submit further information as recommended by the RMS SDRAC and upon receipt of the applicant's submission.

The referral comments stated that the application can be supported with the inclusion of the following conditions of consent.

Planning Comment:

The Traffic Engineering Section assessed the impact of the development on the local road network, the provision of parking and the internal manoeuvring.

It was concluded that the proposal satisfies the requirements of Council's controls, subject to standard and special conditions of consent.

Tree Management & Landscape Officer

The application was referred to Council's Tree Management & Landscape Officer who requested the following amendments to be submitted prior to further assessment of the application.

The applicant requested that the provision of an amended landscape plan be included in the consent as a deferred commencement condition.

Planning Comment:

The inclusion of a deferred commencement condition is considered appropriate in this instance.

Catchment Management

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

Flood levels applicable at this site as indicated in the Lower Parramatta River Flood Risk Management Plan, Flood Study Review, 2005 are:

- 5% AEP.....RL 4.45m AHD
- 1% AEP.....RL 5.1m AHD
- PMF.....RL 9.4m AHD

Comments in relation to abovementioned application in addressing applicable considerations of Council's Local Floodplain Risk Management Policy are:

1. *The "Flood Impact Assessment/Evacuation and Management Measures Plan" report by Northrop dated July, 2012 is considered to adequately demonstrate proposal will not adversely impact existing flood situation.*
2. *First three measures outlined in Section 4.1 of Northrop report are in accordance with considerations discussed at Pre-lodgement meeting of 23 May, 2012 and should be included in any conditions of consent which may be issued for this proposal i.e.*
 - *All structures to have flood compatible building components below the 100 year ARI flood level plus 0.5 metre freeboard.*
 - *Qualified Practising Structural Engineers report required to certify that the building structure and columns can withstand the forces of floodwater, debris and buoyancy up to and including PMF.*
 - *All utilities located above 100 year ARI flood level plus 0.5 metre freeboard.*
3. *Proposed above ground car parking addresses Catchment Management Section concerns in regard to basement car park. However, the ground floor level residences and car park are still subject to inundation from larger flood events up to PMF.*

Planning Comment:

The Catchment Management Section assessed the impact of the development on the wider Parramatta River catchment.

It was concluded that the proposal satisfies the requirements of Council's controls, subject to standard and special conditions of consent.

Development Engineer

The Development Engineers reviewing the information submitted to Council and provide engineering conditions to address the following issues:

Issues of the Foreshore Road to be considered within the Flood Conditions:

1. Limit vehicles parking to 2 hours parking maximum at any time.
2. Provide gates on both ends of the Foreshore Road to restrict vehicles entry from being used during flood conditions.
3. Provide multiple warning signs that the road is subject 'Frequent Flooding from the River'.
4. Provide signs stating: No parking overnight (alternatively; no parking between 7.00pm and 7.00am).

Stormwater Disposal Comments:

On-site detention is proposed to be located in an underground tank in the carpark:

1. The proposal is using the existing connection into the river as shown on C4.02 and C4.03 Rev 2 (PDF page 29 in Trim).
2. The proposed drainage pipes in the road are to be designed to Council's Infrastructure Unit satisfactory approval prior to the issue of Construction Certificate.

Planning Comment:

The Development Engineering Section assessed the application and concluded that the proposal satisfies the requirements of Council's controls, subject to standard and special conditions of consent.

Environmental Health Officer

Noise

The acoustic report by Renzo Tonin & Associates was reviewed and it is noted that the apartment construction will be certified to incorporate all the necessary acoustic controls to comply with the requirements outlined in Part 5 of the Building Code of Australia 2012.

In terms of noise emissions from building services, the acoustic report notes that external noise emission from the building services was not addressed / assessed during the acoustic assessment as details of mechanical plant were not provided at the DA stage. The report concluded that noise emissions from the buildings can be controlled by use of standard silencing treatments to mechanical plant to be located on the rooftop and along the building facade.

It is recommended that the proponent submit an acoustic assessment to the principal certifying authority assessing the impact of mechanical services equipment during the design stage intended for installation in the development prior to the issue of the construction certificate.

This is required to ensure that noise from mechanical equipment in singularly or in total does not emit noise levels which exceed the noise limits in NSW EPAs Industrial Noise Policy.

Construction Noise during the Construction Phase

Given the scale of the development and proximity to residential premises, the potential for construction noise is significant. It is recommended that the proponent

implement the construction noise control measures detailed in Table 13 -Noise Control Measures for Expected Construction Plant and the general noise management measures as specified in section 8.2 General Construction Noise Control Methods of the Acoustic report and produce a noise management plan as suggested in the NSW EPA Interim Construction Noise Guideline (ICNG) and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites".

Site Contamination

A review was undertaken of the Preliminary Stage 1 Environmental Site Assessment (ESA) for the proposed residential development at 2 Morton Street, Parramatta. Produced by Environmental Site Investigations dated April 2012.

The primary objectives of the investigation were to establish the potential risk for significant soil and groundwater contamination issues at the site; to identify whether acid sulfate soils (ASS) are present at the site and to assign a waste classification to soil for disposal purposes.

It is noted that the site is the subject of a site audit statement within the meaning of Part 4 of the Contaminated Land Management Act 1997 and based on the results of the assessment, the consultant EIS are of the opinion that the potential for significant widespread soil and groundwater contamination at the site is relatively low.

The consultant considers that the site can be made suitable for the proposed residential development provided that the recommendations contained in the section 13.5 of the report are implemented.

It is recommended that the proponent implements the recommendations contained in section 13.5 of the report. These include:

- Undertake a Stage 2 Environmental Site Assessment. The Stage 2 assessment should address asbestos, acid sulphate soil and a more detailed groundwater and waste classification assessment;
- Prepare a Remediation Action Plan (RAP) for the site (that includes an Acid Sulfate Soils Management Plan);
- Undertake validation sampling of remedial works;
- Prepare a validation plan that demonstrates all of the remedial works have been successful;
- Prepare an appropriate occupational health and safety plan for the contaminants encountered at this site; and
- Undertake inspections during demolition and excavation works to assess any unexpected conditions or subsurface facilities that may be discovered between investigation locations. This should facilitate appropriate adjustment of the works programme and schedule in relation to the changed site conditions. Inspections should be undertaken by experienced environmental personnel.

Acid Sulphate Soils

The consultant identified through an ASS analysis that the risk of generating ASS conditions following disturbance of the soils in the southern section of the site is considered high. The consultant has recommended that an Acid Sulfate Soils

Management Plan is developed to manage disturbance of this part of the site. A condition will be applied to the DA to address this issue.

Planning Comment:

The Environmental Health Section assessed the application and concluded that the proposal satisfies the requirements of Council's controls, subject to standard and special conditions of consent.

Waste Management Officer

The Waste Management Plan by Waste Tech Services does not address the handling, transport and disposal of building and demolition waste. The DA can be conditioned to address this requirement.

The referral identified that garbage chutes can attract vermin and generate odours if they are not adequately maintained, due to the potential for garbage bags to obstruct or burst within the chute and spread food residue within the chute. A maintenance schedule is to be prepared and implemented for the garbage chute and associated plant and equipment. An appropriate condition can be included in the consent.

The referral concluded that the proposal satisfies the requirements of Council's controls and can be supported subject to standard and/or special conditions of consent.

Planning Comment:

The Waste Management Officer assessed the application and concluded that the proposal satisfies the requirements of Council's controls, subject to standard and special conditions of consent.

Public Arts Officer

The application was referred to Council's Public Arts Officer and in summary, the Arts Plan:

- needs to be much more specific in terms of themes and storylines
- needs to focus on the stories suggested in the interpretation plan that are relevant to the specific location
- investigate other meaningful and engaging ways to present the stories. Some of the suggestions in the Arts Plan will need to be reconsidered to effectively tell the relevant stories in a way that compliments the proposed developments, directly relates to the locations and above all is meaningful.

Planning Comment:

The Public Arts Officer assessed the application and stated that the topics presented were appropriate, but needed more development. It can therefore be concluded that the application can be supported subject to standard and special conditions of consent.

Heritage Officer

The application was referred to Council's Heritage Officer.

The referral stated that the site does not comprise any listed heritage items, however it is located in the vicinity of:

- a stone wall at end of Morton Street;
- mangroves located along river bank (and encroaching on the site); and
- sandstone blocks (which are moveable items, but currently stored in Parramatta City Council's Morton Street depot).

The site is within Parramatta Historical Archaeological Landscape Management Study (PHALMS) identified Archaeological Management Unit (AMU) 3025, of little archaeological potential and moderate significance.

However, the site is also in the view corridor connecting Elizabeth Farm with Macquarie House (View Corridor No. 5 in the Parramatta DCP 2011) and encroaches on other significant view corridors (Nos. 4, 15 and 16 in the Parramatta DCP 2011).

Planning Comment:

Although the site may be located within the visual corridor of Elizabeth Farm, it is noted that the topography of the site has been highly modified with the majority of the site being utilised for industrial activities in recent decades. The applicant provided a number of photos showing that the Elizabeth Farm view corridors will not be impacted by the development of the site. It can therefore be concluded that the residential development will not have a significant impact on the view sensitive corridors and can be supported.

A recommended condition of consent requires the applicant to liaise with the NSW Heritage Office to ensure that relics on the site are appropriately managed.

EXTERNAL REFERRALS

Office of Water

The application was referred to the Office of Water for concurrence. The agency provided concurrence and a set of *General Terms of Approval* to ensure impacts on the Parramatta River are limited.

Road and Maritime Services

The application was referred to the RMS for comment. The agency replied by stating that additional information was required to show the potential impact on traffic flows on James Ruse Drive and Victoria Road.

Some additional information was provided to the RMS and is still under consideration. As the property is not located in close proximity to any classified road

and the Stage 1 development only comprise 277 units, it is considered that the RMS comments are not critical to the development. Council's development engineers concluded that the proposal will not have a significant impact on the functioning of the local network and, as a result, the RMS comment should be sought during the development application for the future stages of the development.

PUBLIC CONSULTATION

In accordance with Council's notification procedures contained within Appendix 5 of DCP 2011, the proposal was advertised and owners and occupiers of surrounding properties were given notice of the application for a 21 day period from 12 July 2012 to 18 August 2012. A site notice was also placed on site. In response, one (1) submission was received.

The issues raised within the submission are addressed below.

Submission 1 74 Honiton Avenue, Carlingford

- Flooding:
The submission stated that placing a residential building within close proximity to the volatile waterway is irresponsible.
- Natural Riparian Vegetation:
The 12 storey buildings will deprive the riparian vegetation of winter sunlight and result in a loss of vigour and health. The opportunity to expand and link the Baludarri Wetlands should be embraced to safeguard the threatened ecological community.
- Building Height:
The proposal has not been designed to take into account the natural slope of the site and the extension of building above the natural ground level will further exacerbate the effect of winter overshadowing.

The submission concluded by stating that the proposed buildings heights should be reduced and stepped to reflect the natural landform; the saltmarsh communities should be nurtured to link with the existing Baludarri Wetlands; and no drainage should be allowed into Parramatta Harbour.

Planning Comment:

The residential development will be located outside of the 1 in 100 year flood areas and flood free access is available for all residents to the Broughton Street frontage. The applicant provided an Evacuation Management Plan that provides specific measures to safeguard residents.

The shadow diagrams provided as part of the application shows that the riparian corridor will only be overshadowed during the late afternoon periods and should not have a significant impact on the vitality of the vegetation.

The buildings comply with the relevant height requirement. The building height is not considered excessive and the design will fit with the future character of the Morton Street precinct.

Further, it is anticipated that the dedication of the land along the river frontage to Council will safeguard the nearby Baludarri wetlands by limiting future development of the land.

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. A Stage 1 investigation was carried out on the site that found that widespread soil and groundwater contamination is relatively low.

The Environmental Health Officer requested that a Stage 2 investigation be undertaken and a Remediation Action Plan be developed to address any contamination.

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.

Clause 101 – Frontage to a Classified Road

The application is not subject to Clause 101 of the SEPP as the site does not have frontage to a classified road.

Clause 102 - Impact of road noise or vibration on non-road development

The application is not subject to Clause 102 of the SEPP as the average daily traffic volume of Broughton Street and Morton Street Road are 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 site 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 located on the foreshore of the Parramatta River with the exception of the objective of improved water quality, the objectives of the SREP are therefore applicable to the proposed development.

The development is consistent with the controls contained with the deemed SEPP by providing additional public access to the foreshore areas without impacting significantly on the existing vegetation or water quality.

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.

1. Context

It is considered that the design of the proposed building responds and contributes to the future high density urban character 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 LEP 2011 and DCP 2011.

2. Scale

The scale of building reflects the floor space ratio provided in the LEP. The subject land represents the core of the Morton Street precinct and it is envisaged that density and building heights will step down from this core down to the adjoining properties.

Some issues were raised regarding the bulk of the buildings when viewed from the Parramatta River foreshore. It is considered that the substantial amount of open space and landscaping included in the proposal will lessen the impact of the bulk and scale of the buildings.

3. 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.

4. 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.

5. 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.

6. Landscape

It is proposed that a significant amount of landscaping be provided along the road frontages, the podium area and the private parklands. Although some amendments are required to the detailed design, the landscaping is considered appropriate.

7. 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.

8. 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. The pedestrian and vehicle access to the building is generally satisfactory in terms of perceived safety in the public domain.

9. 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.

10. 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

buildings 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	Buildings depths are between 13 and 18m.	Yes
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys)	The Stage 1 development does not comply in the following areas: A1-A2: Levels 4 to 6 A2-A3: Levels 4 to 6 A3-A4: Ground Level to Level 2 Refer to discussion below.	No
Storage	1 bedroom 6m ³ 2 bedroom 8m ³ 3 bedroom 10m ³	Storage areas are provided within each unit and within individual compartments in the carpark. The development therefore generally complies with the requirement.	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	The minimum ceiling height is 3.05m.	Yes

Min. Apartment Size	1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	1 bed = 46m ² 2 bed = 60m ² 3 bed = 107m ² Refer to discussion below.	No No Yes
Open Space	The area of communal open space should be between 25-30% of the site area	The podium level and private parkland to the south of the development provides sufficient area for communal recreation areas. Additionally, the land to be dedicated to Council provides further open space to residents.	Yes
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone.	The podium green roof and private parkland to the south of the development provides sufficient area for deep soil planting. The applicant stated, in the SEPP 65 Compliance Table, that approximately 50% of open space will include deep soil areas.	Yes
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor.	Access to a maximum of 8 units will be provided off corridors.	Yes
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice. In dense urban areas a minimum of two hours may be acceptable.	72% units receive 2 hours 20 minutes of sunlight (dense urban environment) 54% of apartments receive 3 hours of sunlight.	Yes
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to	Only 9% of units have southern aspect and are single aspect.	Yes

	a maximum of 10% of total units.		
Natural ventilation	60% of units should be naturally cross ventilated. At least 25% of kitchens should have access to natural ventilation.	165 units (60%) are naturally cross ventilated All kitchens have access to natural ventilation.	Yes Yes
Natural ventilation	The back of a kitchen should be no more than 8m from a window.	Every kitchen is within 8m from a window.	Yes

Design Excellence Advisory Panel (DEAP)

The application had been previously considered by the Design Excellence Advisory Panel in a pre-lodgement meeting held on 13 June 2012 (see comments in “Background” section of the report).

The current application was referred to Council's Design Excellence Advisory Panel who report as follows:

- *Notwithstanding the water table and flood prone land the excessive bulk and scale of the above ground carparking should be further mitigated.*
- *The opportunity is to incorporate basement parking.*
- *Another opportunity is to reduce the carparking ratio to one car space per dwelling and less visitor parking to reduce the bulk of any above ground parking.*
- *A combination of both opportunities could result in up to 2 levels of above ground parking being removed by providing one level as a basement carpark and removing one level by providing fewer spaces. This would also enable an improved relationship of the courtyard terrace to the foreshore open space.*
- *The Panel is of the opinion that useable balconies are an essential amenity and as such the scheme should be revised to accommodate balconies to each apartment of at least 10m².*
- *Protection from solar heat gain is essential and as such the Panel is of the view that external sun shading needs to be provided on the northern and western facades. The reliance on the high performance glass and air-conditioning is not considered an appropriate response and negates the opportunity for effective cross ventilation.*
- *The Panel is of the opinion that adherence to the 12m separation between buildings is to be provided in line with SEPP 65 requirements.*

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

Planning Comment:

The applicant provided a detailed discussion on the bulk and scale issues raised by the DEAP. It was concluded that the provision of a basement carpark was unworkable as:

- The carpark would be located within the flood prone areas along the Parramatta River;
- The high water table would result in *“significant construction issues including dewatering of the excavations, increased thickness and weight of basement structures to resist hydrostatic pressures”*;
- The risk of having localised water ponding on roads and adjoining properties; and
- Necessity for the removal of a large amount of contaminated soil from the area.

It is therefore considered that, as the overall development complies with the relevant FSR requirements, the bulk and scale of the development is wholly within the parameters set by the LEP and is therefore considered acceptable.

The impact of views from the Parramatta River frontage will be ameliorated by the incorporation of significant deep soil planting on the podium level. Although the site is not permeable, it is considered that the additional planting will positively contribute to the views from the river frontage.

Although the majority of balconies exceed the required 10m², approximately 10% of private open space areas are below this requirement. The applicant argued that the large amount of communal open space will contribute towards the provision recreational space. It is considered that the relatively minor non-compliance is acceptable.

The applicant has provided amended drawings that include the provision of sliding sun shades along the majority of east and west facing balconies. This will provide future residents with an effective means to shelter the balconies from sunlight in the summer months without limiting sun exposure in the winter.

Planning comment on non-compliances:

Building Separation

Stage 1

There are three areas of non-compliance with the building separation distances.

	Levels	Distance	Requirement
Building A1 and A2	Level 4 to Level 6	9.0m	12m -18m
Building A2 and A3	Level 6	12.7m	18m
Building A3 and A4	Ground to Level 2	6.5m	12m

The DEAP further raised issue with the proposed building separation distances. The concept design shows separation distances between block C4 and the adjoining blocks C1 and C3. Further Block C2 is only setback from Block C3 by 9m. As detailed plans are not available for this component of the development it is not possible to assess the potential impact of the non-compliances. The building separation plan (submitted to Council on 23 November 2012) shows that the building will not include habitable areas overlooking other habitable areas.

As stated in the DEAP comments, the separation distances between Block A1 and A2, and Block A3 and A4 does not comply with the SEPP 65 requirements. The applicant provided amended plans showing the provision of view restrictors and opaque glass. This measure should provide adequate privacy and is considered appropriate in this instance.

It is also considered that the provision of landscaping in the private parkland and podium level will screen a significant amount of the building, lessening the visual bulk of the overall development.

Stage 2 & 3

Although the concept design includes some areas of non-compliance, the full extent of these will not be known until a detailed design is submitted.

Minimum Apartment Size

A number of the 1 and 2 bedroom units do not comply with the minimum unit size required by the Residential Flat Design Code. The applicant stated that the apartment sizes are in accordance with the market analysis report provided in support of the application.

It is considered that all units are functional. The resulting units will provide a wider range in residences and add to the housing affordability in the locality.

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.

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

The relevant matters to be considered under Parramatta Local Environmental Plan 2011 for the proposed development are outlined below.

COMPLIANCE TABLE		
Development standard	Comply? Y/N	Compliance/Comment
1.1 Minimum Subdivision Lot Size Do the proposed lots comply with the minimum allotment size shown for the land on the Minimum Allotment Size Map?	Yes	The proposed super lot subdivision complies with the minimum lot size requirement.
4.3 Height of Buildings Do the buildings comply with the maximum building height shown for the land on the Height of Buildings Map?	Yes	The Height of the Buildings Map indicates that buildings on this site can be a maximum height of 40m above existing natural ground level. The staged development complies with the building height requirements. The building heights proposed for Stage 1 of the development comply with the maximum building height requirement. Building A3 contains an architectural roof feature that extends above 40m, and is further discussed below in Section 5.6.
4.4 Floor Space Ratio Does the development comply with the maximum floor space ratio shown for the land on the Floor Space Ratio Map?	Yes	The Floor Space Ratio Map indicates that buildings on site can achieve a maximum floor space ratio of 1.75:1. The applicant advised that the overall development on the site complies with the FSR standard.

<p>5.1 and 5.1A Development on land intended to be acquired for public purposes</p> <p>Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?</p>	N/A	The site is not identified on this map.
<p>5.6 Architectural roof features</p> <p>Does an architectural roof feature result in a building exceeding the maximum building height for the site outlined in clause 4.3?</p> <p>If yes does the roof feature satisfy clause 5.6.3?</p>	Yes	The architectural roof is considered appropriate.
<p>5.7 Development below mean high water mark</p>	Yes	The proposal does not apply to the development of land that is covered by tidal waters.
<p>5.9 Preservation of trees</p>	Yes	Council's Tree Management & Landscape Officer has not raised objection to the proposed tree removal. See previous discussion in the 'Referrals' section of this report.
<p>5.10 Heritage Conservation</p> <p>Does the development satisfy clause 5.10.4 (effect of proposed development on heritage significance)?</p>	Yes	<p>According to the LEP Heritage maps, a portion of the subject site contains heritage listed wetlands.</p> <p>The wetlands are situated on the land along the Parramatta River that will be dedicated to Council.</p> <p>The proposed development is not considered to have a significant impact on the wetlands and specific conditions of consent have been provided to safeguard the sensitive vegetation during the construction stage of the development.</p>

5.10.8 Aboriginal Places of Heritage significance What is the identified Aboriginal significance of the site?	Yes	The Archaeological Assessment provided in support of the application concluded that no Aboriginal sites have been identified within the site. The area is also considered of low archaeological potential. Accordingly the proposal is not considered to impact an Aboriginal place of heritage significance.
6.1 Acid sulfate soils What class of Acid Sulfate Soil does the Acid Sulfates soil Map indicate the site contains? Is an Acid Sulfate Soils Management Plan Required?	Yes Yes	Class 1 and Class 2 The Environmental Health Officer assessed the potential ASS issue associated with the site and recommended that a specific. A Management Plan will be developed to address the relevant issues during construction.
6.2 Earthworks Are the earthworks associated with the development appropriate?	Yes	The extent of earthworks proposed is not considered significant for a development of this nature. Council's Development Engineer has reviewed the application including the proposed amount of excavation and considers that the proposed earthworks are satisfactory.
6.3 Flood planning Is the site flood prone?	Yes	Although the site is identified as being affected by the 1:20 year or 1:100 year flood, the residential development will be located above this relevant flood levels. See detailed discussion by Council's Catchment Management section under the 'Referrals' section of this report.
6.4 Biodiversity protection Is the site identified as containing biodiversity on the 'Natural	Yes	The small portion of land is identified on the Natural Resources – Biodiversity map.

Resources –Biodiversity Map’?		The applicant provided an Ecological Assessment that concluded that the site does not contain habitat for any threatened or endangered species.
6.5 Water protection Is the site identified as being riparian land on the ‘Riparian Land and Waterways Map?	N/A	The small portion of land is identified on the Natural Resources – Riparian Land and Waterways Map. The applicant provided an Ecological Assessment that concluded that the site does not contain habitat for any threatened or endangered species.
6.6 Development on landslide risk land Is the site identified as being landslide risk land on the ‘Landslide Risk Map?	N/A	The site is not identified on this map.
6.7 Affected by a Foreshore Building Line Is the site affected by the foreshore building line?	Yes	The subject land is identified on the foreshore building line map and it is proposed that the affected land be dedicated to Council. The proposal will therefore not impact on the Parramatta River foreshore.

Zone objectives

Under the provisions of the Parramatta LEP 2011, the site is zoned:

- R4 – High Density Residential
- B4 – Mixed Use;
- RE1 – Public Recreation; and
- W1 – Natural Waterways

The Stage 1 residential development will be located solely on land zoned R4 High Density Residential, while the Stage 2 & 3 works will be undertaken on the land zoned R4 High Density Residential and B4 Mixed Use.

The land to be dedicated to Council is zoned RE1 Public Recreation and W1 Natural Waterways.

Zone R4 High Density Residential

The zone objectives are:

- *To provide for the housing needs of the community within a high density residential environment.*
- *To provide a variety of housing types within a high density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To provide opportunity for high density residential development close to major transport nodes, services and employment opportunities.*
- *To provide opportunities for people to carry out a reasonable range of activities from their homes if such activities will not adversely affect the amenity of the neighbourhood.*

The residential development complies with the zone objectives by:

- Providing additional housing in the Parramatta LGA;
- Contributing to the housing mix in the locality; and
- Providing easy access to the Parramatta CDB services and employment opportunities.

Zone B4 Mixed Use

The zone objectives are:

- *To provide a mixture of compatible land uses.*
- *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.*
- *To encourage development that contributes to an active, vibrant and sustainable neighbourhood.*

Although specific details are not available for the works included in the latter stages of the development, it is understood that the concept design includes a mix of residential, commercial and retail uses. The proposed development therefore complies with the mixed use zone objectives.

Zone RE1 Public Recreation

The zone objectives are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*

The land zoned RE1 will be dedicated to Council under the provisions of the VPA. The VPA also includes a range of upgrades to be funded and undertaken by the applicant. This will involve the landscaping of the foreshore and opening it to the public for recreation use. It is therefore considered that the proposal is consistent with the zone objectives.

Zone W1 Natural Waterways

The zone objectives are:

- *To protect the ecological and scenic values of natural waterways.*
- *To prevent development that would have an adverse effect on the natural values of waterways in this zone.*
- *To provide for sustainable fishing industries and recreational fishing.*
- *To provide for cultural and scientific study of natural waterways.*
- *To enable works associated with the rehabilitation of land towards its natural state.*

No works will be undertaken on this area of the site and the character and use of the area will therefore remain unchanged. This land will be dedicated to Council as part of the VPA.

DEVELOPMENT CONTROL PLANS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Development Control	Proposal	Compliance
2. SITE PLANNING		
2.4 Site Considerations		
2.4.1 Views and Vistas		
Development is to preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in Appendix 2 Views and Vistas. Refer also to Views and Vistas in the Harris Park Heritage Conservation Area in Part 4.	<p>The site is located within the view corridor 4 and 5 of the Elizabeth Farm/Harris Park Colonial Precinct.</p> <p>The application included a review of these view corridors and concluded that the proposed development will not significantly impact on the historical views.</p>	Yes
2.4.2 Water Management		
2.4.2.1 Flooding Is the site flood affected by local or mainstream flooding? If yes refer to section 2.4.2 of DCP 2011 for detailed controls.	The site is affected by the 1:20 year and 1:100 year flood. It is also affected by the probable maximum flood (PMF). See detailed discussion by Council's Catchment Management section under the 'Referrals' section of this report.	Yes

<p>2.4.2.2 Protection of Waterways</p> <p>Does the site adjoin a waterway?</p> <p>If yes does proposed landscaping comprise of local indigenous species?</p>	<p>The subject land contains a large section of water frontage along the Parramatta River.</p> <p>The land will be dedicated to Council and landscaped as part of the VPA works.</p>	Yes
<p>2.4.2.3 Protection of Groundwater</p>	<p>It is unlikely that the excavation will impact significantly upon groundwater.</p> <p>Notwithstanding this, a Stage 2 geotechnical assessment will be required prior the issue of a Construction Certificate.</p>	Yes
2.4.3 Soil Management		
<p>2.4.3.1 Sedimentation</p> <p>Are there adequate erosion control measures?</p>	<p>An Erosion and Sedimentation Control Plan has been provided.</p> <p>Specific conditions have been imposed to ensure that the development will minimise sedimentation of waterways and not unduly contribute to windblown soil loss.</p>	Yes
2.4.3.2 Acid sulphate soils	Refer to LEP table above.	Yes
<p>2.4.3.3 Salinity</p> <p>Is the site identified as being of moderate or high salinity potential or of known salinity by the 'Salinity Study Map for Western Sydney 2006'?</p> <p>If yes, have investigations been undertaken in accordance with the Western Sydney Salinity Code of Practice 2003?</p> <p>If yes, does landscaping comprise of low water use species and are irrigation systems low water usage?</p>	<p>The site appears to be identified as being of a very low salinity potential.</p> <p>The application proposes excavation works. Subject to conditions, the works will not impact or be impacted by salinity.</p>	Yes

2.4.4 Land Contamination		
Is the site identified as or likely to be contaminated? If yes have the requirements of SEPP 55 been satisfied?	A Stage 1 investigation was carried out on the site that found that widespread soil and groundwater contamination is relatively low. The Environmental Health Officer requested that a Stage 2 investigation be undertaken and a Remediation Action Plan be developed to address any contamination.	Yes
2.4.5 Air Quality		
Have appropriate controls been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?	Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised. These conditions include measures which seek to protect neighbouring amenity with regard to dust emissions during demolition and construction.	Yes
2.4.6 Development on Sloping Land		
Does the design of the development respond to the slope of the land?	The reconfiguration of the building envelopes from those provided in the DCP has necessitated a more dense building formation that does not conform to the slope of the land. It does however facilitate the removal of all building from the flood prone areas along the river frontage.	No, minor variation
2.4.7 Biodiversity		
2.4.7.1 General Is vegetation removal appropriate? Does the landscape plan incorporate indigenous planting listed in Appendix 3?	The removal of existing vegetation and trees is acceptable. Council's Tree Management and Landscape Officer have not raised concern to the proposed tree removal, subject to conditions. An amended landscape design will be required prior to the release of the Construction Certificate.	Yes

<p><i>2.4.7.2 Development on land abutting the E2 Environmental Protection zone and W1 Natural Waterways zone</i></p> <p>Does the site adjoin land zoned E2 or W1?</p> <p>If yes, does the development satisfy the design principles?</p>	<p>The site includes a small section land zoned W1 and is located outside the development footprint. This area is included in the land to be dedicated to Council.</p>	<p>Yes</p>
3. DEVELOPMENT PRINCIPLES		
3.1 Preliminary Building Envelope		
3.1.3 – Preliminary Building Envelope Table		
<p><i>Height</i></p> <p>Maximum height is shown on the LEP 'Height of Buildings Map' – 40m</p>	<p>The building complies with the LEP height limit and also contains an architectural roof feature.</p>	<p>Yes</p>
<p><i>Floor space ratio</i></p> <p>Maximum floor space ratio is shown on the LEP 'Floor Space Ratio Map' – 1.75:1</p>	<p>The overall development will have a FSR of 1.75:1.</p>	<p>Yes</p>
<p><i>Minimum site frontage</i></p> <p>Minimum 18m where more than 10m in height</p>	<p>The site has 91m frontage along Broughton Street.</p>	<p>Yes</p>
<p><i>Front setback</i></p> <p>Primary frontage – 5m to 9m Secondary frontage 3m – 5m</p>	<p>All buildings in Stage 1 and future stages are setback between 3-4m from site boundaries.</p> <p>Varying upper level setbacks are proposed for articulation and to reduce visible bulk.</p>	<p>Yes</p>
<p><i>Side Setback</i></p> <p>Dependent upon amenity impacts (refer to RDFC requirements)</p>	<p>Minimum of 3m, with 4m to the internal north/south street. The applicant stated that the location and scale of the buildings were used to create an urban</p>	<p>No</p>

for residential development)	<p>streetscape that reflects the future character of the precinct.</p> <p>The variation to the setback requirement is considered minor and can be supported in this instance.</p>	
<p><i>Rear Setback</i></p> <p>15% site length</p> <p>Required: 11.7m (to South) 18.1m (to North) 6.15m (to centre)</p>	<p>Stage 1 - 36m to 68m from the foreshore.</p> <p>The rear of the whole site includes an approximately 35m wide strip of foreshore land to be dedicated to Council</p>	Yes
<p><i>Deep Soil Zone</i></p> <ul style="list-style-type: none"> - Rear setback area is to be deep soil - Dimensions of not less than 4m x 4m. <p>Required = 1025m² (based upon the minimum rear setback required for the proposal)</p>	<p>Although the entire rear setback area is deep soil, as the rear setback controls have not been complied with, the provision of deep soil for this requirement has not technically been complied with.</p> <p>Notwithstanding this, the proposed development provides for 1236m² of deep soil area throughout the site which is in excess of that required.</p> <p>There is sufficient deep soil planting at the rear to provide an acceptable interface between the park and the development.</p>	Yes
<p><i>Landscaped Area</i></p> <p>Minimum 40% (incl. deep soil zone)</p>	<p>The full extent of the proposed landscaped area is unclear.</p> <p>It is proposed that the south of Site A will be heavily landscaped and street tree planting is also proposed.</p> <p>Site B and Site C will also contain large landscaped areas.</p>	Yes

3.2. Building Elements		
3.2.1 Building Form and Massing		
Are the height, bulk and scale of the proposed building consistent with the building patterns in the street?	<p>The proposal complies with the relevant height requirements.</p> <p>The height, bulk and scale of the development are satisfactory in this context.</p>	Yes
3.2.2 Building Façade and Articulation		
Are the building facades modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture?	The facades of the development are appropriately modulated with the incorporation of balconies, windows, varied wall positions and changes in materials.	Yes
Does the building exceed the building envelope?	The development does not exceed the building envelope and therefore complies with Council's height requirements. These matters are discussed elsewhere within the report.	Yes
<p>If yes, by more than:</p> <ul style="list-style-type: none"> • 800mm for balconies and eaves: • 600mm for Juliet balconies and bay windows 	N/A	N/A
Does the development have a multiple stair/lift cores to encourage multiple street entries?	All buildings have separate stair/lift cores and will allow access from both the Morton Street and Broughton Street frontages	Yes
3.2.3 Roof Design		
Does roof form minimise the bulk and scale of the building?	The roof form is minimal in scale and does adversely add to the bulk and scale of the building.	Yes
Does the roof form respond to the local context, in particular scale and pitch?		

3.2.4 Energy Efficient Design		
Where applicable, development is to demonstrate compliance with the design principles embodied in the Building Sustainability Index (BASIX).	<p>A BASIX assessment has been included in the application and shows that the development complies with the SEPP requirements.</p> <p>Specific details are not available for the Stage 2 and Stage 3 development.</p>	Yes
3.2.5 Streetscape		
Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape, visual and bulk and scale?	The development reflects the future character of the area, with the majority of surrounding land recently rezoned for higher density residential development.	Yes
Does the development provide an address to the laneway?	N/A – there is no laneway	N/A
Is the development within 3m of the laneway edge?	N/A – there is no laneway	N/A
Are the mail boxes visually integrated with the development and located conveniently for access by residents and deliverers?	Mail boxes are located within the entry lobbies of the development. This location will not adversely impact the existing streetscape character.	Yes
3.2.6 Fences		
<p>Is the front fence a maximum height of 1.2metres?</p> <p>Are front fences a common element in the locality?</p> <p>Note: Where noise attenuation or protection of amenity require a higher fence, front fences may be permitted to a maximum height of 1.8 metres however they must be setback 1m from the boundary to allow landscape screening to be provided.</p>	It is proposed that a 1.5m high timber and palisade fence be provided to the perimeter to the site and the podium terraces.	No, minor variation
3.3 Environmental Amenity		
3.3.1 Landscaping		
A landscape plan, prepared by a suitably qualified person, is to be submitted for development that, in Council's opinion, will significantly alter the landscape	<p>The Tree Management and Landscape Officer reviewed the submitted design.</p> <p>The officer requested a</p>	No

character.	number of amendments and additional information. The information has not been received and a condition will be included in the consent to provide the information prior to the commencement of any works.	
3.3.2 Private and Communal Open Space		
Is a minimum of 10m ² of private open space provided per dwelling with minimum dimensions of 2.5m?	<p>All dwellings have a balcony with a minimum width of 2.5m, with the majority of units complying with minimum area of 10m². Approximately 40% of balconies have areas between 8-10m².</p> <p>The applicant provided detailed plans showing that the smaller balconies can accommodate tables and chairs.</p> <p>The large amount of communal space will be provided within the podium level, the private parkland and public reserve. It is considered that the communal areas are accessible to all units and will compensate for the non-compliance in balcony area.</p>	No
Do balconies have a minimum width of 2.5m?	Balconies have a minimum width of 2.5m	Yes
A minimum of 10m ² of communal open space per dwelling is to be provided.	A large section of communal open space has been provided on the podium level and southern parkland.	Yes
Is landscaped communal open space provided on the site?	The development will be provided with a landscaped podium level and large private park towards the river frontage.	Yes

3.3.3 Visual and Acoustic Privacy		
<p>Does the development achieve required separation between habitable rooms/non habitable rooms?</p> <p>Minimum separation between habitable rooms/balconies is 12m up to three storeys and 18m above.</p>	<p><u>Stage 1</u> There are three areas of non-compliance with the building separation distances.</p> <p>Building A1 and A2 – 9m Building A2 and A3 – 12.7m Building A3 and A4 – 6.5m (up to level 3)</p> <p>The applicant provided additional information that included the provision of view restrictors on these window openings to limit overlooking and ensure privacy of residents.</p> <p><u>Stage 2 & 3</u> Although the concept design includes some areas of non-compliance, the full extent of these will not be known until a detailed design is submitted.</p>	No
3.3.4 – Acoustic Amenity		
<p>Is the development located within proximity to noise-generating land uses such as major roads and rail corridors?</p> <p>If yes have habitable rooms of dwellings affected by high levels of external noise been designed to achieve internal noise levels of no greater than 50dBA?</p>	<p>The site is not located in the immediate vicinity of a major road or rail corridor.</p>	Yes
3.3.5 Solar Access and Cross Ventilation		
<p><i>Solar Access</i></p> <p>Does this dwelling receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</p>	<p>All of the proposed dwellings will receive solar access to the habitable rooms and private open space areas. 72% of proposed dwellings receive in excess of 2 hours 20 minutes of sunlight to living areas and private open spaces between 9.00am and 3.00pm during mid-winter, consistent with the RFDC.</p>	No

Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June?	<p>Whilst this does not meet the DCP requirements (for solar access to habitable rooms), it is considered to represent an acceptable provision of solar access to the development in accordance with the guidelines.</p> <p>The proposal does not reduce solar access to residential properties adjoining the site to the north.</p>	Yes
<p><i>Cross Ventilation</i></p> <p>The minimum floor to ceiling height is 2.7m.</p> <p>80% of dwellings are to be naturally cross ventilated.</p> <p>Single aspect dwellings are limited in depth to 8m from a window.</p> <p>The maximum building depth is 18m.</p>	<p>Minimum 3.05m floor to ceiling heights nominated</p> <p>60% of units are naturally cross ventilated. This ratio is however consistent with the RFDC.</p> <p>All southern aspect dwellings comply.</p> <p>The maximum building depth is 18.5m, which is considered a minor variation from the DCP requirement.</p>	<p>Yes</p> <p>No</p> <p>Yes</p> <p>No, minor variation</p>
3.3.6 – Water Sensitive Urban Design		
Is the on-site detention system appropriately designed to minimise and control nuisance flooding and to provide safe passage for less frequent floods?	Council's Development Engineer has reviewed the development including the proposed stormwater management and has not raised objection, subject to conditions.	Yes
3.3.7 – Waste Management		
Is the waste management plan satisfactory?	The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal.	Yes

	Maintenance requirements for the garbage chute will be in accordance with the manufacturer's standards.	
3.4 Social Amenity		
3.4.1 Culture & Public Art		
Has a public art plan been provided with the application?	<p>An arts plan was submitted with the application.</p> <p>The arts plan was referred to Council's Arts Officer who raises a number of issues with the preliminary Arts Plan.</p> <p>A specific condition of consent has been included to ensure Council is consulted on the further development of the holistic public arts strategy prior to the commencement of works.</p>	Yes
3.4.2 Access for People with disabilities		
Does the development contain adequate access for people with a disability?	The ground floor dwellings are visitable and able to be accessed for people with disabilities. In addition the proposal provides for 13 disabled car spaces.	Yes
3.4.4 Safety and Security		
<p>Has the development been designed in accordance with crime prevention principles?</p> <p>Are the building entries orientated to the street?</p> <p>Are habitable rooms located at the front of dwellings?</p>	The application does not contribute significantly to criminal or anti-social behaviour.	Yes
3.4.5 Housing Diversity and Choice		
<p><u>The desired housing mix is as follows:</u></p> <p>3 bedroom 10% - 20%</p> <p>2 bedroom 60% - 75%</p> <p>1 bedroom 10% - 20%</p>	<p>3 bed – 3% (8 dwellings)</p> <p>2 bed – 75% (209 dwellings)</p> <p>1 bed – 22% (60 dwellings)</p> <p>The minor non-compliance is considered acceptable as the</p>	No, minor variation

Have any adaptable dwellings been provided?	<p>proposal provides a housing range and flexibility achieved with the varied unit types, orientation and location on the site to accommodate a number of lifestyle choices.</p> <p>It is unlikely that non-compliance with the housing mix will have significant impacts upon housing choice and affordability within the area.</p> <p>10 x one bedroom units and 18 x two bedroom units have been designed as adaptable dwellings.</p>	Yes
3.5 Heritage		
Development must comply with the objectives, principles and controls in Part 4 and any relevant objectives, principles and controls in Parts 2 and 3 of this DCP. Where there is any inconsistency Part 4 will prevail.	The site contains a section of heritage listed wetlands along the Parramatta River frontage. The land will be dedicated to Council under the VPA and will therefore not be impact by the proposed development.	Yes
3.6 Movement & Circulation		
3.6.2 Parking and Vehicular Access		
<p><i>Minimum Car Parking Rates</i></p> <ul style="list-style-type: none"> - 1 space / 1 bedroom unit - 1.25 space / 2 bedroom unit. - 1.5 spaces / 3 bedroom units. - 0.25 spaces / dwelling for visitor car parking (a car wash bay may be used as a visitor space) <p>Total requirement = 403 spaces</p>	404 spaces (334 residential and 70 visitors)	Yes
3.7 Residential Subdivision		
Is the proposed Strata Plan appropriate?	This application also seeks Stratum Subdivision of the proposed development.	Yes

	<p>Pedestrian and vehicular access ways will be common area. Sufficient parking is provided to enable the allocation of at least one space to each dwelling, as well as providing common visitor spaces.</p> <p>The suitability of the proposed strata plan will be further assessed in the Subdivision Certificate application.</p>	
4A Special Precincts		
4.1.9 Morton Street Precinct		
Desired Future Character	The proposed development complies with the main future character objectives that are to provide high density residential development, supporting infrastructure and pedestrian access to the foreshore.	Yes
Design Controls	<p>The site is located within Area 4 of the Morton Street precinct and contains the highest density and building heights.</p> <p>The proposal complies with all of the relevant LEP controls and should result in a development that fits with the desired character of the precinct.</p> <p>The DCP does state that Area 4 should be developed as a single parcel. The proposed subdivision does therefore not comply with the controls. It is considered that the concept design and LEP controls will provide sufficient parameters to ensure the site retains a single character and functions as a single precinct.</p>	<p>Yes</p> <p>No</p>
Indicative Building Envelopes	<p>The proposed development does not conform to the indicative layout shown in the DCP.</p> <p>The flood prone nature of the required a redesign of the</p>	No

	<p>development, resulting in a more dense built form toward the Broughton Street frontage.</p> <p>The DEAP advised that the alterations are acceptable and can be supported.</p>	
Urban Design (Area 4 only)	<p>The building in Stage 1 of the development generally complies with the indicative building design provided in the DCP.</p> <p>The buildings included in Stage 2 & 3 are concept only. The applicant will therefore have to ensure that the future detailed application for these stages comply with the DCP requirements.</p>	Yes
Development within the B4 Mixed Use Zone (Area 4 only)	<p>The buildings included the mixed use area (included in Stage 2 & 3) are concept only. The applicant will therefore have to ensure that the future detailed application for these stages comply with the DCP requirements.</p>	N/A
Landscaping and Deep Soil	<p>The Stage 1 proposal complies with the deep soil planting requirements of the DCP, while the detailed landscaping design will be approved as part of the deferred commencement conditions.</p> <p>Although the concept plan includes some indicative landscaping for the mixed use precinct, detailed plans will be required during the subsequent application to show compliance with the relevant landscaping standards.</p>	Yes
Traffic, Access and Parking	<p>The proposal incorporates the future road and pedestrian linkages prescribed in the DCP.</p>	Yes

Public Domain	The land along the Parramatta River will be dedicated to Council and provide the opportunity to create linkages with the surrounding public parkland.	Yes
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POLICIES

S94A DEVELOPMENT CONTRIBUTIONS PLAN

N/A

PARRAMATTA CITY COUNCIL 2012/2013 SECURITY BONDS FOR THE PROTECTION OF CIVIL INFRASTRUCTURE

In accordance with Council's 2012/2013 Schedule of Fees and Charges, the developer will be required to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. As the development has a value of works in excess of \$50,000, the applicant will be required to pay a Security Bond of **\$20,000** prior to the release of a Construction Certificate.

The application will not require the installation of hoardings, and there are no street trees located adjacent to the site.

PLANNING AGREEMENTS

The proposed development is subject to a planning agreement entered into under section 93F. Details of the VPA are provided in the proposal description. Both the applicant and Council have agreed on the specific terms of the agreement initially negotiated in 2009.

REGULATIONS

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

Additional matters a consent authority must take into consideration

Regulation 92(1)(b) requires that the provisions of AS2601 must be taken into consideration in the case of an application for the demolition of a building.

Note: "AS 2601" means the document entitled Australian Standard AS 2601-1991: *The Demolition of Structures*, published by Standards Australia, and as in force at 1 July 1993.

Conditions have been incorporated within the Recommendation section of this report requiring compliance with AS2601 for any demolition works.

Compliance with Building Code of Australia

Regulation 98(1)(a) requires prescribed conditions in relation to a development consent for development that involves any building work, being that the work must be carried out in accordance with the requirements of the Building Code of Australia.

Regulation 98(1)(b) requires prescribed conditions in relation to a development consent for development in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

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

Condition relating to shoring and adequacy of adjoining property

Regulation 98E requires prescribed conditions if the development involves an excavation that extends below the level of the base of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the person's own expense:

- (a) protect and support the adjoining premises from possible damage from the excavation, and
- (b) where necessary, underpin the adjoining premises to prevent any such damage.

The above condition has been incorporated within the Recommendation section of this report.

COASTAL ZONE MANAGEMENT PLAN

There are no Coastal Zone Management Plans applicable to the site.

LIKELY IMPACTS

The likely impacts of the proposed development have been addressed within this report.

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

One submission was received in response to the notification of the application. The issues raised within the submission have been discussed within this report.

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 LEP2011
- The development will have positive social and economic benefits in terms of creating additional resident population to support local businesses and services and will provide greater housing choice within the City of Parramatta.
- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.

The proposed development is not contrary to the public interest.

Conclusion

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved as a 'deferred commencement' consent to enable the provision of a detailed landscaping design and owners' consent from the RMS to undertake the works included in the VPA.

Recommendation

DEFERRED COMMENCEMENT APPROVAL SUBJECT TO CONDITIONS

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

- (a) That the JRPP as the consent authority grant deferred commencement development consent to the Development Application DA/391/2012 for a Staged mixed use development comprising three (3) stages, a three lot subdivision and a detailed 277 unit development (Stage 1).

Part A

1. Pursuant to the provisions of S. 80(3) of the Environmental Planning and Assessment Act, 1979 the development application is granted a Deferred Commencement Consent subject to the completion of the following:
 - (a) Submission to the satisfaction of Council's Service Manager Development Assessment Services of detailed design and specifications of all the works in kind specified in Schedule 4 of the Planning Agreement between Parramatta City Council and Frasers Morton Pty Ltd.
 - (b) Submission of a detailed Landscaping Design , prepared by a qualified and practicing landscape architect, to the satisfaction of Council's Team Leader Technical Specialist addressing the following issues:

Podium Level

- Further detail regarding how the roof top planting will be achieved e.g. specifications, depth of substrate, drainage, structural cells etc. It is also recommended that the tree species selection be reviewed as this type of environment is unlikely to sustain large Eucalypts as depicted.

Proposed Courtyards

- Detailed landscaping plans for the proposed private courtyards that includes a Plant Schedule indicating species/common name, planting location, plant numbers, the size of the containers at planting, mature height / canopy spread.
- Species selection is required to be varied between to create visual interest

Proposed Green Walls

- Detail of the proposed green walls is required to be provided including species selection, plant numbers, and planting locations.

Proposed Private Parkland

- Detail of all proposed planting within the private parkland is to be provided including, plant species, number and pot size.
- The tree species selection is satisfactory with the exception of *Eucalyptus longifolia*.

Street Tree Planting

- Detail of tree planting within bioswales is to be provided to ensure sufficient soil volume is achieved. It is recommended that the use of structural cells be considered to provide breakout areas beneath the road and footpath to better allow root establishment and minimise possibilities of future tree root damage.

The above requirement(s) must be satisfied within 24 months or the consent will lapse.

Upon compliance with the above requirements, a full Consent will be issued subject to the following conditions:

Part B

Schedule 1

1. Following issuing of any operative consent for the site physical commencement must occur in accordance with the requirements of Section 95(4) of the Environmental Planning and Assessment Act within 5 years of the date of the issue of the deferred commencement consent. In this regard should physical commencement not occur by (insert date 5 years from issue of deferred consent) the consent shall lapse.
Reason: To provide certainty to the community as to when physical commencement must occur.

2. 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 No	Dated
Morton Street Masterplan DA000 – Title, Legend & Drawing Schedule by Smart Design Studio	04/07/2012
Morton Street Masterplan DA001 – Site Analysis Plan by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:005 Site Plan by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:007 Setback Plan by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:008 Building Height Plan by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:010 B4 Mixed Use Zone by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:120 Shadows Winter by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:121 Shadows Summer by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:122 Shadows Equinox by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:300 Elevations (external street) by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:301 Elevations (internal street) by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:400 Site Sections by Smart Design Studio	04/07/2012
Morton Street Masterplan DA:000 Title, Legend & Drawing by Smart Design Studio	04/07/2012
Key Plan & Staging Plan Dwg No. 11814 - C4.01 Rev 4 by Northrop	28/08/2012
VPA Works Landscape Plans prepared by Frasers Morton Pty Ltd and McGregor Coxall	Undated

Drawing No	Dated
Morton Street Stage 1 – DA:000 Legend & Drawing Schedule by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:001 Site/Roof Plan by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:100 Ground Level Plan by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:101 Level 1 Plan by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:102 Level 2 Plan by Smart Design Studio	04/07/2012

Morton Street Stage 1 – DA:103 Level 3 Plan by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:104 Podium Level 4 Plan by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:105 Level 5 Plan by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:106 Level 6 Plan by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:107 Level 7 & 8 (A3) Plan by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:108 Level 9 Plan by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:109 Level 10 Plan by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:110 Level 11 Plan by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:300 Elevations 1 by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:301 Elevations 2 by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:302 Elevations 3 by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:400 Sections AA & BB by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:401 Sections CC by Smart Design Studio	04/07/2012
Morton Street Stage 1 – DA:500 GFA Area Diagrams by Smart Design Studio	Undated
Morton Street Stage 1 – DA:501 GFA Area Diagrams by Smart Design Studio	Undated
2 Morton Street – Typical Balcony Shading, Section 1 – Page 1.38 by Smart Design Studio	November 2012
2 Morton Street – Building Separation, Section 1 – Page 1.40 by Smart Design Studio	November 2012

Drawing No	
Plan Form 2 (A2) – DA Subdivision Plan 1 (Issue 4) by Tasy Moraitis	26/11/2012
Plan Form 6 – Deposited Plan Administration Sheet by Tasy Moraitis	26/11/2012
Draft Stage 1 Community Plan (Issue 3) by Tasy Moraitis	2/07/2012

Document(s)	Dated
VPA Timing and Commitments prepared by Frasers Morton Pty Ltd and McGregor Coxall	29/06/2012

Arts Plan prepared by Environmental Art+Design	Undated
Waste Management Plan prepared by Wastech Services Pty Ltd	28/06/2012
Environmental Site Assessment prepared by Environmental Investigation Services	April 2012
BASIX Certificate No. 436154M_02	4/07/2012
Arborists Reports prepared by Urban Forestry Australia	June 2012
Non-Indigenous Heritage Assessment prepared by Artefact Heritage Services	June 2012
Flora and Fauna Assessment Report prepared by Cumberland Ecology	June 2012
Flood Impact Assessment / Evacuation and Management Measures Plan prepared by Northrop	26/11/2012
Acoustic Assessment prepared by Renzo Tonin and Associates	27/06/2012
Access Reviews for Masterplan and Stage 1 DA prepared by Morris Godding Accessibility Consulting	29/06/2012
Aboriginal Archaeology Assessment prepared by Artefact Heritage Services	June 2012
Traffic Impact Assessment prepared by Brown Smart Consulting	June 2012
BCA Assessment Report prepared by Blackett Maguire and Goldsmith Pty Ltd	22/06/2012

Reason: To ensure the work is carried out in accordance with the approved plans.

3. To clarify this approval and what requires additional approval, this Development Consent is for DA/391/2012 except for the following specified part or aspect of that development:
- Development included in Stage 2 (Buildings B1 to B4);
 - Development included in Stage 3 (Buildings C1 to C4);
 - River Platform; and
 - Marketing Suite.

The above specified part or aspect shall be subject of another Development Consent following further consideration of all relevant matters pertaining to it.

Reason: To clarify terms of Development Application approval.

- 3A. Pursuant to section 93I(3) of the Environmental Planning & Assessment Act, 1979, the applicant must enter into a planning agreement in terms of the offer set out in the letter dated 21 December 2010 from Frasers Morton Pty Ltd to Council.

Reason: To ensure performance of obligations under a planning agreement

4. Construction of all roads and dedication to Council shall be in accordance with the Key Plan & Staging Plan prepared by Northrop dated 28/8/2012. This includes the construction of a connection between Morton Street and the proposed Foreshore Road.
Reason: To clarify terms of Development Application approval.
5. 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.
6. Demolition work shall be carried out in accordance with Australian Standard 2601-2001 - Demolition of Structures and the requirements of the NSW WorkCover Authority.
Reason: To ensure appropriate demolition practices occur.
7. 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.
8. 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.
9. All roof water and surface water is to be connected to an approved drainage system.
Reason: To ensure satisfactory stormwater disposal.
10. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600 mm in height or within 900 mm of any property boundary.
Reason: To minimise impact on adjoining properties.
11. Council being the 'appropriate regulatory authority' must be notified immediately of any pollution incident where material harm to the environment is caused or threatened. This duty extends to persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.
Reason: To comply with the requirements of the Protection of the Environment Operations Act 1997.
12. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover

NSW and the Department of Environment and Climate Change, and with the provisions of:

- NSW Occupational Health and Safety Act, 2000;
- NSW Occupational Health and Safety Regulation 2001;
- NSW Protection Of the Environment Operations Act 1997 (NSW) and
- NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

Reason: To ensure that the land is suitable for the proposed development and any contaminating material required to be removed from the property is removed in accordance with the prescribed manner.

13. The open parking area(s) must drain to a stormwater treatment device capable of removing litter, oil, grease and sediment prior to discharge to the stormwater system, complying with:

- Environment Protection Authority's Environment Protection Manual for Authorised Officers: Technical Section (Stormwater First Flush Pollution); and
- Environment Protection Authority's Managing Urban
- Environment Protection Authority's Managing Urban Stormwater: treatment techniques (1997).

The stormwater treatment device(s) are to be maintained on a regular basis to ensure their functionality. All solid and liquid wastes collected from the device are to be disposed of in accordance with Protection of the Environment Operations Act 1997.

Reason: To prevent pollution of waterways.

14. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.

Reason: To ensure effective operation of equipment.

15. Council being the 'appropriate regulatory authority' must be notified immediately of any pollution incident where material harm to the environment is caused or threatened. This duty extends to persons carrying on an activity, employers and employees, contractors and the occupier of the premises where the incident occurs.

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

16. The operation of the premises is to be conducted in a manner which does not pollute waters as defined by the Protection of the Environment Operations Act 1997.

Reason: To ensure that stormwater drains are not polluted.

17. All fill imported onto the site shall be validated to ensure the imported fill is suitable for the proposed land use from a contamination perspective. Fill imported on to the site shall also be compatible with the existing soil characteristic for site drainage purposes.

Council may require details of appropriate validation of imported fill material to be submitted with any application for future development of the site. Hence all fill imported onto the site should be validated by either one or both of the following methods during remediation works:

- Imported fill should be accompanied by documentation from the supplier which certifies that the material is not contaminated based upon analyses of the material for the known past history of the site where the material is obtained; and/or
- Sampling and analysis of the fill material shall be conducted in accordance with NSW EPA (1995) Sampling Design Guidelines

Reason: To ensure imported fill is of an acceptable standard.

18. Any new information which comes to light during remediation, demolition or construction works which has the potential to alter previous conclusions about site contamination shall be notified to the Council and the principal certifying authority immediately.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

19. All 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.

20. 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.

21. To minimise disturbance to existing mature trees located in the adjacent reserve, no excavation shall take place within the critical root zone (CRZ)*, measured as a radius from the centre of the trunk of the tree. Excavation may occur between the critical and primary root zones (PRZ)* but only by hand. In the event that major structural roots or feeder roots (>50mm in diameter) are encountered between the critical and primary root zones, appropriate measures should be implemented to ensure the long term retention of the tree.

*CRZ = 5 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk)

*PRZ = 10 x trunk diameter 1400mm from ground level (measured as a radius from the centre of the trunk)"

Reason: To ensure mature trees are maintained.

22. 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.

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

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

Prior to issue of a Construction Certificate

24. Prior to issue of any Construction Certificate for each of the buildings an artist(s) shall be engaged to develop site specific artwork/s which is consistent with the concepts outlined in the Arts Plan. On completion of the artwork design stage, all additional documentation shall be submitted to Council that details the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management including specific information indicating the scale of the artwork during the construction certificate phase of development.

Reason: To ensure compliance with Council requirements

25. Prior to the commencement of any work, including bulk earthworks and construction works the applicant/developer is to approach the NSW State Heritage Office to satisfy any archaeological requirements for the site. This may include a preliminary archaeological assessment or a request for an exemption permit.

A copy of the written correspondence from the Heritage Office 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 Heritage Office are met and any European archaeological items are appropriately managed.

26. All the proposed civil works, concrete footpath and stormwater drainage pipes in the road are to be submitted to the satisfaction and approval of Council's Civil Infrastructure unit prior to the issue of Construction Certificate of this consent.

Reason: To ensure satisfactory storm water disposal.

27. An amended Flood Evacuation & Management Plan shall be prepared by a suitably qualified practicing drainage engineer and submitted to the satisfaction of Council's catchment management engineers unit prior to the issue of the Construction Certificate.

In this regard, the proposed Foreshore Road is subject to frequent flood event. The final engineering plan shall incorporate the following design issues:

- (a) That vehicle's parking is limited to 2 hours maximum on the proposed Foreshore Road at any time.

- (b) Provide gates along both ends of the proposed Foreshore Road to restrict vehicles from using the proposed road during flood conditions or during major storm events.
- (c) Provide multiple warning signs stating that the road is subject to 'Frequent Flooding from the River'.
- (d) Provide signs stating: No parking overnight (alternatively; no parking between 7.0pm and 7.0am).
- (e) That The recommendations as outlined in the DA submitted Flood Impact Assessment/Evacuation and Management Measures Plan report in regard to flood warning system and Site Emergency Response Plan should be adopted with the inclusion of the following:
 - (f) Nominate personnel responsible for maintaining and implementing plan. Plan should also identify all training to be undertaken by the nominated personnel.
 - (g) It should also indicate procedure for replacing nominated personnel as existing members leave so that required numbers are maintained.
 - (h) Communicate impacts of flooding to all unit occupants/owners.
 - (i) Plan should also include details of regular ongoing communications to accommodate new owners/occupiers.
 - (j) Flood detection system/gating and access control. Plan should also identify all regular maintenance.

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

28. Structural certification from a suitably qualified structural engineer should be submitted with the application for a Construction Certificate indicating that all columns, buildings and structures and On-Site Detention tanks have been designed to withstand inundation, debris and buoyancy forces of floodwater through the site for all storms up to and including the Probable Maximum Flood (PMF) assuming total pipe blockage. In this regard, the Principal Certifying Authority is to ensure that:

- (a) All structures to have flood compatible building components below the 100 year ARI flood level plus 0.5 metre freeboard.
- (b) A Qualified Practising Structural Engineers report required to certify that the building structure and columns can withstand the forces of floodwater, debris and buoyancy up to and including PMF.
- (c) All utilities located above 100 year ARI flood level plus 0.5 metre freeboard.

Reason: To ensure the structure can withstand flooding events.

29. No work shall start on the storm water system until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:
- (a) The final drainage plans are consistent with the Concept Drainage Plans Concept Stormwater Drainage plan. Dwg No. C4.04 & C4.31 Revision 2, dated 2/07/2012 prepared by Northrop, approved with this Development Consent.

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

- (b) The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.
- (c) The design achieves:
 - The design achieves a Site Storage Requirement of 235m³/ha and a Permissible Site Discharge of 208L/s/ha (as per 3rd edition of UPRCT's handbook).
 - Grates and/or access covers shall be placed at the extremities of the OSD tank.
 - Provision of OSD warning signs shall comply with Upper Parramatta River Catchment Trust OSD handbook.
 - The tank shall be designed and certified to be structurally adequate to carry the designate live load.
 - Detailed drainage plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet are submitted and are acceptable.

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

- 30. At least one water quality treatment devices shall be installed prior to disposal of stormwater to the street system. Details of the proposed units shall be submitted for the approval of the Principal Certifying Authority prior to the determination of the Construction Certificate.

Water Sensitive Urban Design (WSUD) is required to be incorporated within the proposed development design in accordance with Parramatta Development Control Plan part 3 clause 3.3.6 to the satisfaction of Council's Catchment Management Engineers unit prior to the issue of Construction Certificate. In this regard, an electronic copy of MUSIC Modelling would be required to be included in the submission to Council.

Reason: To ensure appropriate water quality treatment measures are in place.

- 31. 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.

- 32. 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.

- 33. Electricity provision to the site is to be designed so that it can be connected underground when the street supply is relocated underground. Certification from Integral Energy addressing their requirements for this provision is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

Reason: To enable future upgrading of electricity services.

- 34. 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,
 - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - iii. The locations of proposed Work Zones in the egress frontage roadways,
 - iv. Location of any proposed crane standing areas,
 - v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,

- vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - viii. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - ix. A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.
- Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.
- (c) Traffic Control Plan(s) for the site:
- i. All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication 'Traffic Control Worksite Manual' and be designed by a person licensed to do so (minimum RMS '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.
- (d) 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.

35. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing No. [DS9 & DS10]. Details shall be submitted to the satisfaction of Principal Certifying Authority with the application for the Construction Certificate. A Vehicle Crossing application shall be submitted to Council together with the appropriate fee prior to any work commencing.
Reason: To ensure appropriate vehicular access is provided.
36. Prior to any works commencing on the driveway crossover and prior to the issue of any Occupation Certificate, an application is required for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment which must be obtained from Parramatta City Council. All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

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

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

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

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

37. The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1 (2004) & AS2890.2 (2002), except where amended by other conditions of this consent. Certification or details of compliance are to be submitted with the Construction Certificate plans.
Reason: To ensure car parking complies with Australian Standards.
38. Should any proposed work be undertaken where it is likely to disturb or impact upon a utility installation (e.g. power pole, telecommunications infrastructure, etc) written confirmation from the affected utility provider that they have agreed to the proposed works shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate or any works commencing, whichever comes first. The arrangements and costs associated with any adjustment to a utility installation shall be borne in full by the applicant/developer.
Reason: To ensure no unauthorised work to public utility installations and to minimise costs to Council.

39. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds are required to be submitted to Council to guarantee the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate has not been issued or not required.

The bond may be paid, by EFTPOS, bank cheque, credit card or be an unconditional bank guarantee.

Should a bank guarantee be the proposed method of submitting a security bond it must:

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA/391/2012;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds shall be provided as follows

Hoarding \$ (see Schedule of Fees and charges (\$2500 -\$10,000 per street frontage in 2012/2013 financial year)

Street furniture (\$2000 per item in 2012/2013 financial year)

Nature strip and roadway \$ (applies to all developments with a cost greater than \$50K and swimming pools regardless of cost. See Schedule of Fees and Charges, \$1000 - \$20,000 per street frontage in 2012/2013 financial year).

Street Trees (\$2000 per street tree 2012/2013 financial year rate)

A dilapidation report is required to be prepared prior to any work or demolition commencing. This is required to be submitted to Parramatta City Council with the payment of the bond/s to the Civil Assets Unit. The dilapidation report is required to report on any existing damage to kerbs, footpaths, roads, nature strip, street trees and furniture bounded by all street frontage/s of the development site to the centre of the road.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

40. 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.

The approved plans must be submitted to a Sydney Water Quick Check agent to determine whether the development will affect any Sydney Water wastewater and water mains, storm water drains and/or easement, and if any requirements need to be met. Plans will be appropriately stamped.

The PCA must ensure that the plans have been appropriately stamped prior to the issue of any construction Certificate.

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

Advisory note: Please refer to the web site www.sydneywater.com.au for:

- Quick Check agents details - see Building and Developing then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating or telephone 13 20 92.

41. An acid-sulphate soils management strategy (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate. This strategy is required to recommend specific procedures and mitigation measures and shall include a site analysis from a National Association of Testing Authorities (NATA) registered laboratory. This strategy shall address the following aspects:

- (a) specific mitigative measures to minimise the disturbance of acid sulphate soils as well as measures relating to acid generation and acid neutralisation of the soil;
- (b) management and disposal of the excavated material;
- (c) measures taken to neutralise the acidity; and
- (d) run-off control measures.

The recommendations of the strategy shall be completed, prior to the commencement of building works.

Reason: To protect the development from the harmful effects of acid-sulphate soils.

42. Revised plans indicating compliance with the following traffic related matters are to be submitted to the satisfaction of the Principal Certifying Authority before the issue of the Construction Certificate:

- (a) 404 off-street parking spaces minimum (including 28 disabled parking spaces; 305 residential spaces; 70 visitor spaces and 1 car share space) are to be provided, permanently marked on the pavement and used accordingly, as shown on the DA plans (Drawing DA:100 Revision N). 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), as shown on the DA plans (Drawing DA:100 Revision N).
- (b) 140 bicycle parking spaces are to be provided, permanently marked on the pavement and used accordingly, as shown on the DA plans (Drawing DA:100 Revision N).
- (c) The dimensions and configuration of the 28 disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space), as shown on the DA plans (Drawing DA:100 Revision N).
- (d) A combined entry and exit driveway for Stage 1 (Site A) off Broughton Street (6m wide with 300mm clearance both sides between kerbs) for Stage 1 development (Site A), as shown on the DA plans (Drawing DA:100 Revision N) is to be provided and constructed according to AS 2890.1- 2004 and Council's specification.
- (e) Driveway and ramp gradients are to comply with Clause 2.5 and Clause 3.3 of AS2890.1-2004.
- (f) The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8).
- (g) Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.
- (h) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.
- (i) Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 must be used to check that adequate ground clearance is provided on ramps, circulation roadways, access driveways or other vehicular paths where there is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter.
- (j) Sight distance to pedestrians exiting the property is to be provided by clear lines of sight in a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1. The required sight lines to pedestrians or other vehicles in or around the site should not be compromised by the landscaping, signage fences, walls or display materials.
- (k) The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.
- (l) A convex mirror is to be installed within the ramp access (one near the entry driveway & one at the bottom of the ramp access) with its height and

location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.

Reason: To ensure appropriate access is provided.

43. All plant and equipment (including but not limited to air conditioning equipment) is to be located within the basement or other areas within the building and is not to be located on the roof. Details demonstrating compliance are to be submitted with the Construction Certificate application.

Reason: Minimise impact on surrounding properties, improved visual appearance and amenity for locality.

44. Prior to the issue of a Construction certificate, the Certifying Authority shall be satisfied that all plant and equipment (including but not limited to air condition equipment) is located within the basement.

Note: Architectural plans identifying the location of all plant and equipment shall be provided to the Certifying Authority.

Reason: To minimise impact on surrounding properties, improved visual appearance and amenity for locality.

45. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more than 5db (A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the boundary of the site.

Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.

Reason: To comply with best practice standards for residential acoustic amenity.

46. To minimise the impact of noise from the adjoining major road or rail corridor on the occupants of the building it shall be acoustically designed and constructed to meet the requirements of AS3671-1989 (Acoustics – Road Traffic Noise Intrusion – Building Siting and Construction), AS 2107-2000 (Recommended design sound levels and Reverberation times in Building interiors), the NSW Environment Protection Authority's Environmental Criteria for Road Traffic Noise and the Environmental Noise Control Manual (Sleep Disturbance)

A report from an appropriately qualified person that these acoustic and vibration design requirements will be met shall be provided to the satisfaction of the PCA prior to the issue of a Construction Certificate.

Reason: To ensure a suitable level of residential amenity not affected by excessive noise and vibration from surrounding activities.

47. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the building is acoustically designed and constructed to meet

the requirements of AS 2107 and the Environment Protection Authority's Guidelines for Acoustic Privacy within premises.

Note: Plans and specifications of the required acoustic design shall be prepared by a practising acoustic engineer and shall be submitted to the Principal Certifying Authority.

Reason: To minimise the impact of noise from the adjoining major road or rail corridor on the occupants of the development.

48. An acoustic report by Renzo Tonin & Associates 2 Morton Street Parramatta Acoustic Assessment for Development Application DA/391/2012 identified construction noise measures that were recommended for adoption in the development. The proponent shall submit to the Principal Certifying Authority and Council, a Construction Noise Management Plan as described in the NSW Environment Protection Authority, Interim Noise Construction Guidelines 2009 and, Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites" prior to the issue of the construction certificate. The Construction Noise Management Plan must describe in detail the methods that will be implemented for the whole project to minimise noise impacts on the community.

The Construction Noise Management Plan shall 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

49. The Preliminary Stage 1 Environmental Site Assessment dated April 2012 prepared by Environmental Site Investigations identified the presence of contamination on site. The proponent must submit a Stage 2 Detailed Investigation in accordance with Clause 3.4.1 of the SEPP 55 Guidelines- Land Contamination and the NSW Environment Protection Authority Guidelines for Consultants Reporting on Contaminated Sites (1997) by an suitability qualified consultant to define the nature, extent and degree of contamination; to assess potential risks posed by contaminants to health and the environment; and to obtain sufficient information to develop a remedial action plan (RAP), to be submitted to Council and the Principal Certifying Authority prior to the issue of the construction certificate.

Reason: To ensure that the land is suitable for the proposed development and poses no risk to human health or the environment.

50. A site Remedial Action Plan (RAP) must be prepared by a suitably qualified environmental consultant and submitted to Council and the Principal Certifying Authority should the stage 2 contaminated site investigation reveal contamination exceeding criteria prescribed by the NSW Environment Protection Authority's Contaminated Sites Guidelines for the NSW Site Auditor Scheme and the National Environmental Protection Measure 1999 Assessment

of Site Contamination. The Remedial Action Plan (RAP) must be submitted to Council prior to the issue of the construction certificate.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environment and human health.

51. A validation and monitoring report must be prepared by a suitably qualified environment consultant in accordance with the NSW Environment Protection Authority's Contaminated Sites- Guidelines for Consultants Reporting on Contaminated Sites and Contaminated Sites- Sampling Design Guidelines validating that the development has been remediated and poses no risk to the environment and human health. The validation report must be submitted to Council together with notice of completion of remediation pursuant to clause 18 of SEPP 55 prior to the issue of the construction certificate.

Reason: To ensure that the land is suitable for its proposed use and poses no risk to the environmental and human health.

52. External materials shall be factory pre-finished with low glare and reflectivity properties to be compatible with the colours of neighbouring buildings. The reflectivity index (expressed as a percentage of the reflected light falling upon any surface) of roof finishes and glazing of the proposed development is to be no greater than 20% and shall be designed so as not to result in glare that causes any nuisance or interference to any person or place. Details to be submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To have a minimal impact on the neighbouring property.

53. The bathroom and toilet windows for each dwelling in the development shall have frosted or opaque glass. This requirement is to be indicated on amended plans and submitted to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure privacy to these rooms is adequately maintained.

54. Access for people with disabilities to and from and between the public domain, residential units and all common open space areas 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, 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.

55. 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.

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

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

Reason: To comply with the requirements of SEPP 65.

57. 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.

58. 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.

59. Prior to the issue of any Occupation Certificate, the developer is to provide evidence that satisfactory arrangements with the NBN Co have been made where relevant and implemented at no cost to Council for the provision of broadband access to the development.

Reason: To ensure that appropriate provision has been made to accommodate broadband access to the development.

NOTE: For more information contact NBN Co.

Development Liaison Team:

Call 1800 881 816

Email newdevelopments@nbnco.com.au

Web www.nbnco.com.au/NewDevelopments

60. The Construction Certificate is not to be released unless the Principal Certifying Authority is satisfied that the required levy payable, under Section 34 of the

Building and Construction Industry Long Service Payments Act 1986, has been paid.

Reason: To ensure that the levy is paid.

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

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

62. Washing of vehicles shall be conducted in a vehicle wash bay, which is roofed and bunded to exclude rainwater. The vehicle wash bay shall be installed in accordance with Sydney Water's requirements. A trade wastewater permit shall be obtained from Sydney Water before operation of the washbay commences and a copy of the permit submitted to Council's Environment and Health unit prior to the issuing of the occupation certificate. The vehicle wash bay shall be regularly cleaned and maintained.

Reason: To ensure proper disposal of waste water.

Prior to Commencement of Works

63. A Hoarding Application together with the appropriate fee and details is to be submitted to and approved by Council for the enclosure of public space as required by Council's Hoarding Policy.

The hoarding is required to protect persons from construction or demolition works and no works can commence until approval for the hoarding has been obtained.

Reason: To improve the visual impact of the hoarding structure and to provide safety adjacent to work sites.

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

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

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

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

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

- (i) Type and quantities of material expected from demolition and excavation;
- (ii) Name and address of transport company;
- (iii) Address of proposed site of disposal;
- (iv) Name/address of company/organisation accepting material;
- (v) Types and quantities of materials that are to be re-used; or recycled, on and off site and procedures involved;
- (vi) Name of company/contractor undertaking on and off site re-use and recycling, and address of recycling outlet;
- (vii) Material for disposal and justification of disposal; and
- (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contacts.

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

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

66. 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 day 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.

67. 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 protect Council's assets throughout the development process.

68. The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on site.

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

69. 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.

70. Prior to the commencement of any excavation works on site the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).

- The existing groundwater levels in relation to the basement structure, where influenced.
- The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

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

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

71. Details of the proposed 375 mm diameter reinforced concrete pipe-work within the proposed roads shall be submitted for Council's Civil Infrastructure Unit approval prior to the release of Construction Certificate.

Reason: To ensure Council requirements are met.

72. 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.

73. 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.

74. 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.

75. The site must be enclosed with a 1.8 m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority and be located wholly within the development site prior to commencement of any works on site.

Reason: To ensure public safety.

76. 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.

77. The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on site.

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

78. 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.

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

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

- The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
- The appropriate means of excavation/shoring in light of point (a) above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
- The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
- The existing groundwater levels in relation to the basement structure, where influenced.
- The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
- Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.
- The geotechnical report must be prepared by a suitably qualified consulting geotechnical/hydrogeological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:
 - (a) No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
 - (b) No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.

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

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

80. 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.

81. 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.

During Construction Works

82. All pruning shall be carried out by a qualified Arborist and conform to the provisions of AS4373-2007 Australian Standards for Pruning Amenity Trees, and Tree Work draft code of practice 2007.

Reason: To ensure the pruning will not adversely affect the tree(s).

83. No materials (including waste and soil), equipment, structures or good of any type are to be stored, kept or placed within 5 m from the trunk or within the drip line of any tree.

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

84. 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.
85. 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.
86. No vehicle access is to be provided from the premises into the adjoining bushland reserve.
Reason: To ensure protection of the bushland reserve and manage the impacts of the development.
87. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment and Conservation's Environmental Noise Manual and the Protection of the Environment Operations Act 1997.
Reason: To protect the amenity of the area.
88. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC) including the interim noise manual. Dust nuisance to surrounding properties should be minimised.
Reason: To protect the amenity of the area.
89. 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.
90. The applicant shall not enter or undertake any work within adjoining public lands (i.e. parks, reserves, roads etc) without the prior written consent of Council. In this regard the applicant is to liaise with Council prior to the commencement of any design works or preparation of a Construction Management Plan.
Reason: Protection of existing public infrastructure and land and to ensure public safety and proper management of public land.
91. 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.

92. 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.

93. 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.

Reason: To maintain appropriate amenity to nearby occupants.

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

Vibration levels resulting from demolition and excavation activities shall not exceed 5mm/sec peak particle velocity (PPV) when measured at the footing of any nearby building.

Reason: To maintain appropriate amenity to nearby occupants.

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

Reason: To ensure appropriate disposal of asbestos materials.

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

Reason: To ensure appropriate disposal of asbestos materials.

97. 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.

98. Any fill material imported to the site is to be virgin excavated natural material (VENM) and is to be certified as such by a suitably qualified industry professional. Records of each individual certification are to be kept on site and produced for inspection when requested.

Reason: To ensure the site does not become contaminated and appropriate compaction levels can be achieved.

99. The proposed kerb inlet pit shall be constructed in accordance with Council Standard drawings.

Reason: To ensure appropriate drainage.

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

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

101. 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.

102. 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.

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

Reason: To provide satisfactory drainage.

104. The dedicated area below the building shall remain unobstructed at all times to permit the free flow of floodwaters.

Reason: To ensure the flow of water.

105. 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.

106. All the proposed kerb inlet pit shall be constructed in accordance with Council Standard drawings.

Reason: To ensure appropriate drainage.

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

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

108. 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.

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

Reason: To provide satisfactory drainage.

110. The dedicated area below the building shall remain unobstructed at all times to permit the free flow of floodwaters.

Reason: To ensure the flow of water.

Prior to Release of Occupation Certificate

111. Noise attenuation measures shall be incorporated into the development to comply with the design requirements specified in the acoustic report Renzo Tonin & Associates, 2 Morton Street Parramatta Acoustic Assessment for Development Application 391/2012 and the following documents:

- NSW Environmental Protection Authority, Road Traffic Noise Policy (2011)
- Australian Standard AS2107:2000 "Recommended Design Sound Levels And Reverberation Times for Building Interiors"

After completion of the works, prior to the issue of an occupation certificate, the developer must submit to the Principal Certifying Authority and Council, a report from a practicing acoustic engineer verifying that the works as installed meet the above design condition.

Reason: To reduce noise levels

112. The acoustic report by Renzo Tonin & Associates for 2 Morton Street Parramatta Acoustic Assessment for Development Application 391/2012 identified that external noise emissions from the building services was not addressed I assessed in the acoustic report as details of mechanical plant were not provided at the development application

The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.

Prior to the application for a Construction Certificate, the proponent must submit to the Council and the accredited certifier a report from a qualified, practicing, acoustic engineer (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants). The report must be submitted with or before the application for a Construction Certificate and must:

- Include the measurements and calculations
- Certify that the method of treating all mechanical equipment will ensure that the noise level, as measured at the most or potentially most affective noise sensitive locations, will not exceed the recommended acceptable project specific noise levels, detailed in the Environment Protection Authority's Industrial Noise Policy
- If the mechanical equipment is to be operated between 10pm-7am on weekdays and/or 1 Opm-8am on weekends and public holidays the report must also certify that when operated it will be inaudible from within a habitable room of another residential premises (regardless of whether any door or window is open).

After completion of the works, prior to the issue of an Occupation Certificate, the developer must submit to the Council and the Principal Certifying Authority, a report from a practicing acoustic engineer (as above) verifying that the works as installed meet the above design conditions.

Reason: To ensure that noise emissions from the development satisfy legislative requirements and maintain reasonable levels of amenity to the area.

113. The artworks shall be installed in accordance with the approved arts plan.

Reason: To ensure the appropriate implementation of the approved public art plan.

114. 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. 436154M_02, will be complied with prior to occupation.

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

115. 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.

116. Submission of a letter confirming satisfactory arrangements have been made for the provision of electricity services.

Reason: To ensure appropriate electricity services are provided.

117. The submission of a letter from the telecommunications provider authorised under the Telecommunications Act 1997 confirming arrangements have been made for the provision of telephone services.

Reason: To ensure appropriate telephone services are provided.

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

- 119.

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

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120. Prior to the issue of any Occupation certificate an intercom system must be provided in a convenient location adjacent to the visitor parking entry to enable easier and safe access to visitor parking prior to final completion of the development.

Reason: To ensure convenient access is available for visitors to the building.

121. 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.

122. 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;
- (d) the date on which it was carried out;
- (e) the name and accreditation number of the certifying authority by whom the inspection was carried out; and
- (f) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.

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

123. 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:
- (a) compare the post-construction dilapidation report with the pre-construction dilapidation report, and
 - (b) 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.

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

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

125. A written application for release of the bond(s), quoting Council's development application number and site address is required to be lodged with Council's Civil Assets Team prior to the issue of any occupation certificate or completion of demolition works where no construction certificate has been applied for.

The bond is refundable upon written application to Council and is subject to all work being restored to Council's satisfaction.

Once the site and adjacent public road reserve has been inspected and in the case of any damage occurring it has been satisfactory repaired Council will advise in writing that this condition has been satisfied and will organise for the bond to be released. The occupation certificate shall not be released until the PCA has been provided with a copy of the letter advising either that no damage was caused to Council's Assets or that the damage has been rectified.

Reason: To safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner.

Advisory Note: Council's Civil Assets Team will take up to 21 days from receipt of the request to provide the written advice.

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

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

127. 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.

128. Prior to the issue of the occupation Certificate, the applicant must create of a restriction –on-use on the title of the subject property. The restriction is to be over the 100 year ARI flood zone identified in the Flood Modelling and Impact Assessment report (Rev 2) dated 28/06/2012 prepared by Northrop and must

prevent the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within that zone. Parramatta City Council is to be named as the Authority whose consent is required to release, vary or modify the restriction.

Reason: To protect the environment.

129. The minimum habitable floor level for the proposed building/addition shall be Relative 5.1m Australian Height Datum (AHD). (i.e. 0.5 m above the 1 in 100 year flood level). Certification of compliance with approved floor level by Registered Surveyor shall be provided to the Principal Certifying Authority upon completion of the ground floor.

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

- 129A. Prior to the release of each occupation certificate, the Principal Certifying Authority must obtain written advice from Council's Service Manager Development Assessment that the requirements of the Planning Agreement between Parramatta City Council and Frasers Morton Pty Ltd have been complied with to Council's satisfaction.

130. The grass verge must be reinstated with a graded uniform cross fall, using clean uniform topsoil and rolled turf.

Reason: To ensure restoration of environmental amenity.

131. 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.

Prior to the issue of the Subdivision Certificate

- 106A. A separate application must be made to Council to obtain approval of the plan of subdivision under Part 4A of the Environmental Planning and Assessment Act 1979.

Prior to the issue of the Part 4A (Subdivision Certificate) the applicant shall submit an original plan of subdivision plus 1 digital disc (eg. CD ROM) for Council's endorsement. The following information shall also be submitted:

- (a) Evidence that all conditions of the Development Consent have been satisfied (including required utility provider certificates etc).
- (b) Evidence of payment of all relevant fees.
- (c) The 88B/E instrument (if required).
- (d) A copy of the final Occupation Certificate issued for the development.
- (e) All surveyors or engineers' certification if required by the development consent

Reason: To comply with the Environmental Planning & Assessment Act 1979

- 106B. Prior to issue of the Subdivision Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a scale sketch **or** a works as executed plan if the work is completed, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of a Subdivision Certificate. Prior to issue of the Subdivision Certificate the applicant must create a Positive Covenant and Restriction on the Use of Land under Section 88E of the Conveyancing Act 1919, burdening the owner with the requirement to maintain the on-site stormwater detention facilities on the lot. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88B instrument for protection of on-site detention facilities and to the satisfaction of Council. For existing Titles, the Positive Covenant and the Restriction on the use of Land is to be created through an application to the Land Titles Office in the form of a request using forms 13PC and 13RPA. The relative location of the On-Site Detention facility, in relation to the building footprint, must be shown on a works as executed plan, attached as an annexure to the request forms. Registered title documents showing the covenants and restrictions must be submitted and approved by the Principal Certifying Authority prior to issue of a Subdivision Certificate.
132. An application for street numbering shall be lodged with Council for approval prior to the issue of a Subdivision Certificate.
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.

Use of the Site

133. No advertisement/signage shall be erected on or in conjunction with the development without prior development consent unless the advertisement is 'exempt development' in accordance with the relevant planning instruments.
Reason: To comply with legislative controls.
134. 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.
135. A sign, legible from the street, shall be permanently displayed to indicate that visitor parking is available on the site and the visitor car parking spaces shall be clearly marked as such.
Reason: To ensure that visitors are aware that parking is available on site and to identify those spaces to visitors.
136. All new and existing fire safety measures identified in the Fire Safety Schedule shall be maintained in working condition at all times.
Reason: Protection of life and to comply with legislative requirements.
137. A waste storage room is to be provided on the premises, capable of accommodating all garbage, stored liquid, recyclable wastes and associated containers arising from the use of the premises and accessible by waste collection contractors. Disposal of wastes from the premises shall comply with the approved waste management plan.
Reason: To ensure provision of adequate waste disposal arrangements

Schedule 2 – Office of Water Approval

Number	Condition
Plans, standards and guidelines	
1	<p>These General Terms of Approval (GTA) only apply to the controlled activities described in the plans and associated documentation relating to 391/2012 and provided by Council.</p> <p>Any amendments or modifications to the proposed controlled activities may render these GTA invalid. If the proposed controlled activities are amended or modified the NSW Office of Water must be notified to determine if any variations to these GTA will be required.</p>
2	<p>Prior to the commencement of any controlled activity (works) on waterfront land, the consent holder must obtain a Controlled Activity Approval (CAA) under the Water Management Act from the NSW Office of Water. Waterfront land for the purposes of this DA is land and material in or within 40 metres of the top of the bank or shore of the river identified.</p>
3	<p>The consent holder must prepare or commission the preparation of:</p> <ul style="list-style-type: none">(i) Vegetation Management Plan(ii) Erosion and Sediment Control Plan(iii) Soil and Water Management Plan

4	<p>All plans must be prepared by a suitably qualified person and submitted to the NSW Office of Water for approval prior to any controlled activity commencing. The following plans must be prepared in accordance with the NSW Office of Water's guidelines located at:</p> <p>www.water.nsw.gov.au/Water-Licensing/Approvals/default.aspx</p>
5	<p>The consent holder must</p> <ul style="list-style-type: none"> (i) carry out any controlled activity in accordance with approved plans and (ii) construct and/or implement any controlled activity by or under the direct supervision of a suitably qualified professional and (iii) when required, provide a certificate of completion to the NSW Office of Water.
Rehabilitation and maintenance	
6	The consent holder must carry out a maintenance period of two (2) years after practical completion of all controlled activities, rehabilitation and vegetation management in accordance with a plan approved by the NSW Office of Water.
7	The consent holder must reinstate waterfront land affected by the carrying out of any controlled activity in accordance with a plan or design approved by the NSW Office of Water.
Access-ways	
8	The consent holder must design and construct all ramps, stairs access ways, cycle paths, pedestrian paths or other non-vehicular form of access way so that they do not result in erosion, obstruction of flow, destabilisation, or damage to the bed or banks of the river or waterfront land, other than in accordance with a plan approved by the NSW Office of Water.
9	The consent holder must not locate ramps, stairs, access ways, cycle paths, pedestrian paths or any other non-vehicular form of access way in a riparian corridor other than in accordance with a plan approved by the NSW Office of Water.
Disposal	
10	<p>The consent holder must ensure that no materials or cleared vegetation that may</p> <ul style="list-style-type: none"> (i) obstruct flow, (ii) wash into the water body, or (iii) cause damage to river banks; are left on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
Drainage and Stormwater	
11	<p>The consent holder is to ensure that all drainage works</p> <ul style="list-style-type: none"> (i) capture and convey runoffs, discharges and flood flows to low flow water level in accordance with a plan approved by the NSW Office of Water; and (ii) do not obstruct the flow of water other than in accordance with a plan approved by the NSW Office of Water.
17	The consent holder must stabilise drain discharge points to prevent erosion in accordance with a plan approved by the NSW Office of Water.
Erosion control	
19	The consent holder must establish all erosion and sediment control works and water diversion structures in accordance with a plan approved by the NSW Office of Water. These works and structures must be inspected and maintained throughout the working period and must not be removed until the site has been fully stabilised.
Excavation	

20	The consent holder must ensure that no excavation is undertaken on waterfront land other than in accordance with a plan approved by the NSW Office of Water.
21	The consent holder must ensure that any excavation does not result in <ul style="list-style-type: none"> a. diversion of any river b. bed or bank instability or c. damage to native vegetation within the area where a controlled activity has been authorised, other than in accordance with a plan approved by the NSW Office of Water.
Maintaining river	
22	The consent holder must ensure that <ul style="list-style-type: none"> d. river diversion, realignment or alteration does not result from any controlled activity work and e. bank control or protection works maintain the existing river hydraulic and geomorphic functions, and f. bed control structures do not result in river degradation other than in accordance with a plan approved by the NSW Office of Water.
23	The consent holder must ensure that the surfaces of river banks are graded to enable the unobstructed flow of water and bank retaining structures result in a stable river bank in accordance with a plan approved by the NSW Office of Water.
River bed and bank protection	
24	The consent holder must clearly mark (with stakes using a GPS or peg out survey), protect and maintain a riparian corridor with a width measured horizontally landward from the Mean High Water Level of the estuary for the length of the site directly affected by the controlled activity in accordance with a plan approved by the NSW Office of Water.
25	The consent holder must establish a riparian corridor along Parramatta River in accordance with a plan approved by the NSW Office of Water.
END OF CONDITIONS	

Report prepared by:

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