

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

SUMMARY

Application details

DA No:	DA/587/2012
Assessment Officer:	Jillian Sneyd - Don Fox Planning
Property:	64-66 Phillip Street, Parramatta Lots 1 & 2 DP 128452, Lot 36, DP 1104223 & Lot 3 DP 591970
Proposal:	Alterations to a Heritage Building, including demolition, tree removal and construction of a 13 storey mixed use development comprising of 49 apartments, and a ground floor cafe over 3 levels of basement carparking with strata subdivision.
Cost of works:	\$12 977 435.00
Date of receipt:	3 October 2012
Applicant:	Wallaroo Properties Pty Ltd
Owner:	Wallaroo Properties Pty Ltd Parramatta City Council
Submissions received:	8 submissions received
Property owned by a Council employee or Councillor:	No
Council application:	No, partially located on Council Land.
Issues:	FSR, Building Separation, Deep Soil landscaped areas
Recommendation:	Approval subject to conditions
Determination:	The development will be determined by the Western Sydney Joint Regional Planning Panel as the cost of the development exceeds \$5 million and

Parramatta City Council is landowner of a portion of the site.

Legislative Requirements

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

The site

Site Area:	908.1m ²
Easements/rights of way:	The submitted survey does not indicate any easements or restrictions existing upon the subject site
Heritage item:	Yes
In the vicinity of a heritage item:	Yes
Relevant Site History:	DA 802/2011 submitted 17 November 2011, withdrawn by Applicant 7 January 2012 Design Excellence Competition held 31 May 2012 and 16 June 2012

DA History

3 October 2012 November 2012	DA lodged with Council Letter to applicant requesting further information.
18 October – 17 November, 2012 December 2012	Notification of DA. Eight objections received. Initial additional information submitted.

13 December, 2012 January, 2013	Design Review Panel meeting. Applicant advised of referral comments to date.
12 February, 2013	Request for additional information in response to referral comments.
4 March, 2013	Additional information submitted.
11 March, 2013	Review of additional information completed, request made to address outstanding issues of relating to referral comments, application documentation and further support for variations to FSR.
2 April 2013	Additional information submitted.
28 May 2013	Further information sought in relation to outstanding details to be submitted.
21 July 2013	Applicant advised of necessity to submit details by 5 July 2013 to enable completion of report for August JRPP consideration.
5 July 2013	Additional information submitted to enable finalisation of the report.

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is located on the northern side of Phillip Street to the east of Smith Street and is a corner lot with 2 street frontages (Phillip Street & George Khattar Lane). The site adjoins the Parramatta River Foreshore Reserve on the northern boundary. The subject site is generally rectangular in shape, with a smaller rectangular area on the Phillip St frontage and an angled rear boundary to the Parramatta River Foreshore Reserve. The total area of the subject site is 908.1m². The subject site comprises the following allotments:

- Lot 1 and 2 in DP 128 452 – 765.2sqm
- Lot 3 in DP 591970 – 94.8sqm (Council land)
- Lot 36 in DP 1104223 – 48.1sqm

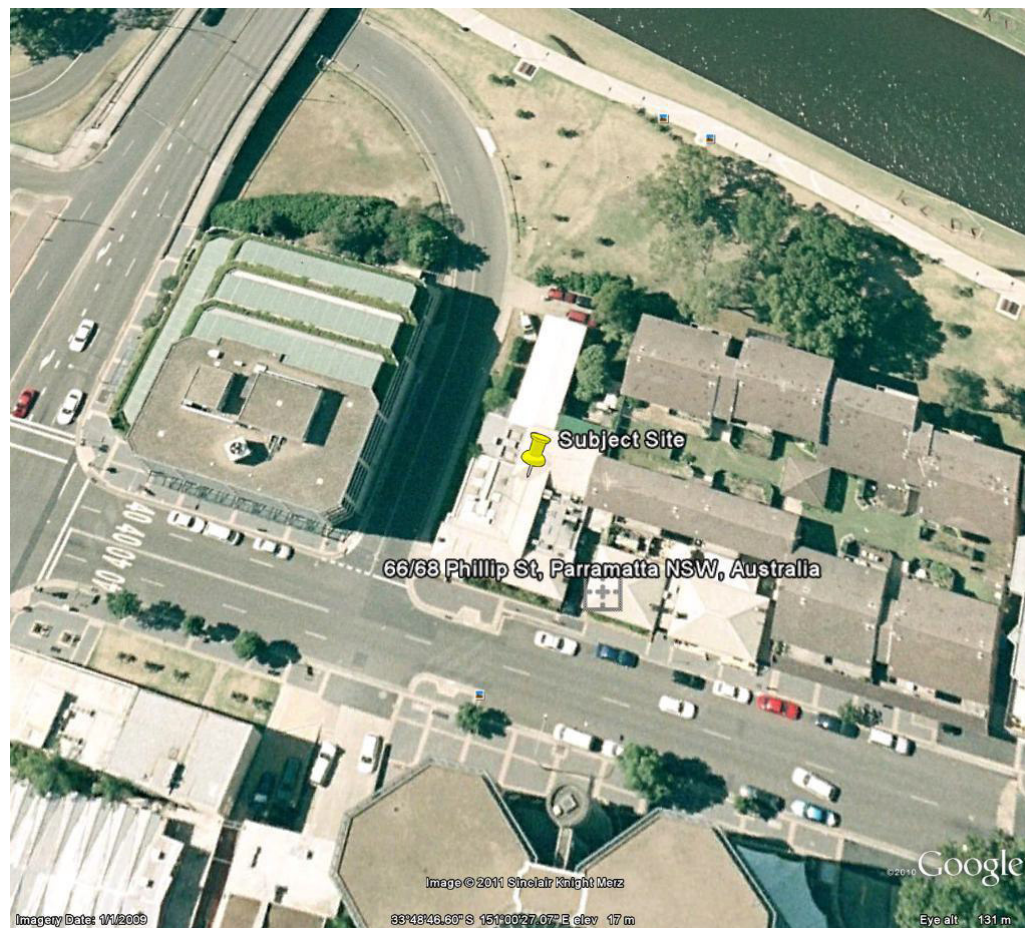
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The site has a fall from Phillip Street to Parramatta River Foreshore Reserve by approximately 4m.

The subject site currently contains a restaurant use. The existing building is a heritage listed property. The heritage listing relates to the part of the existing building

on the Phillip Street frontage of the site. More recent additions to the rear will be demolished making way for the proposed development. The site is adjoined by two heritage listed buildings to the east.

The site is surrounded predominantly by mixed use and commercial development to the south, east and west and open space to the north.



View of the subject site

BACKGROUND

DA802/2011– Mixed Use Development

DA/802/2011 dated 7 November 2011 was lodged for alterations to a heritage listed building and construction of a 21 storey residential development containing 49 apartments over 4 levels of basement carparking. The existing building will be used as a restaurant/cafe. The proposal was to be determined by the Western Sydney

Joint Regional Planning Panel as part of the site is owned by Parramatta City Council. This application was withdrawn by the applicant on 7 January 2012.

LA/60/2012** - Parramatta Design Excellence Competition**

An Architectural Design Competition was held on 31 May 2012 and 16 June 2012. The proposed development won the competition and the Director General of Planning granted an additional 10% increase in the floor space ratio (FSR) to the winning submission of Jones Sontar Architects on the basis of achieving "design excellence" pursuant to clause 22B of the Parramatta City Centre Local Environmental Plan (PCCLEP) 2007.

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

Ground plane

The scheme features a very well executed ground plane that integrates the heritage building with the public lobby and creates open and direct access to the river front which is activated by a café. Pedestrian and vehicular access is well managed and materials choices are of high quality. Features which are instrumental in achieving design excellence and which should be maintained as the scheme develops are outlined below.

- *The height and proportion of the transfer structure creates an open and well-proportioned volume that clears the ridgeline of the heritage building allowing it to be read against the backdrop of the lobby void. The location of the transfer structure above the ridgeline succeeds in mediating between the small scale of the heritage building and the monumental scale of the tower above by creating a vertical separation and allowing them to be read as separate elements. The horizontal setback between the tower and the heritage building also is instrumental in achieving a well-considered response to the heritage building.*
- *High quality materials choices such as sandstone and metal cladding as indicated on the competition drawings are essential in achieving design excellence.*
- *The jury is highly supportive of the proposal to incorporate an aboriginal artwork on the soffit of the lobby.*
- *A public link between the Phillip Street end of the lobby through to the river frontage links the river directly back to the Phillip Street frontage.*

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Viability of the suggestion to reshape ground surface of the public park up to the steps into the lobby should be checked with respect to flood storage and or detention requirements within the foreshore park.

West elevation

The revised drawings show much improved elevations, particularly the west elevation fronting George Khattar Lane. Two options were presented for this elevation, each featuring a different approach to the construction of the sun shade louvres to the punched windows in the predominantly solid portion of this elevation. The jury's preference was for Option 2 which simpler than option 1 and showed the pattern of the punched openings more clearly. The simpler approach succeeds in

creating a solid counter point to the more complex portion of the façade to the south which features balconies separated by an angled green blade and enclosed by full height industrial style louvres. The pattern of openings in the solid component creates a varied rhythm which gives an indication on the outside of the building of the activities taking place inside. Features which are instrumental in achieving design excellence and which should be maintained as the scheme develops include:

- Option 2 featuring punched window openings with simple sun shading inset in the window void on the northern half of this elevation.
- The full height industrial style louvres with the angled green blade on the southern half of this elevation.

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Phillip Street elevation

The composition of the Phillip Street elevation is a successful response to the heritage building.

Details with respect to the transfer structure are outlined above in the discussion on the ground plane. The verticality of the simple masonry wall enlivened by a continuous vertical window and the balcony and metal fin element create a counterpoint to the heritage building, contrasting with its horizontality. The two elements are linked via the choice of materials. Masonry and metal on the tower responds to the masonry and metal of the heritage building. Features which are instrumental in achieving design excellence and which should be maintained as the scheme develops are outlined below.

- High quality precast that is well detailed with expressed joints and high quality metal cladding to the fin element is key to the design excellence of this elevation.
- The jury is supportive of the proposal to change the colour of the roof support column to green. The green colour enlivens the monochrome façade and creates a unity with façades on other elevations which also feature green elements.

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Roof plane

The jury was very supportive of the revisions to the roof plane reducing the height and dominance of the raked roof elements. Proposals to put the vegetable gardens in moveable planters were also seen by the jury as an improvement to the functionality and flexibility of the common roof terrace. Features which are instrumental in achieving design excellence and which should be maintained as the scheme develops are outlined below.

- High quality metal cladding to the roof and fin elements.
- The jury was of the opinion that the common roof terrace required some form of shading over part of it to facilitate its useability, such as a pergola or louvre structure.

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Floor space ratio

As alluded to in the initial submission, there was a question over the inclusion of the floor space in the heritage building with the total GFA for the scheme. The revised drawings illustrated minor changes to the layout of the apartments to enable the scheme to comply with the FSR requirement. These resulted in some very minor compromises to the amenity of some apartments. In order to reduce the GFA, floor space was added to common corridors from riverfront apartments and taken out of

the bedroom in the loft apartments. The type C unit lost its laundry room, converting it to a cupboard and the internal courtyard to the penthouse apartments was enlarged.

The jury is of the opinion that the minor changes proposed are acceptable as they do not change the overall volume or affect the external treatments of the building and that inclusion of the revised plans in the final scheme is a preferable outcome to having to re-run the competition as a result of a technical non-compliance. However our preference is for the previous plans as they exhibit the best internal amenity. The jury notes that:

- The brief refers the competitors to the LEP as well as setting out the controls in a general manner.
- The LEP heritage clause provides for the incentive on a dollar for dollar value which may well be sustained at the DA stage.
- The Jones Sonter scheme has claimed the bonus which is available to be claimed whether explicitly stated in the brief or not and was available to all of the participants and should be commended not penalised, especially as there has been generally better evidence of sensitivity to the item in the Jones Sonter scheme.
- The other schemes have a number of FSR calculation anomalies that demonstrates higher GFA.
- There is no material difference in bulk and scale as a result of the application of the control.
- It is a matter that should be considered at the DA submission but not excluded at this stage.
- The design excellence bonus does not exclude other bonus schemes.

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THE PROPOSAL

Approval is sought for alterations to a Heritage Building, including demolition, tree removal and construction of a 13 storey mixed use development comprising of 49 apartments, and a ground floor cafe over 3 levels of basement carparking with strata subdivision. The estimated value of this project is.\$~~14,714,260~~2,977,435.00

Details of the proposal are as follows:

- Lower Ground Floor – Café Kiosk (18m2) use at northern end of the site, vehicular access from George Khattar Lane to the basement levels
- Ground floor Entry Foyer, lifts, stairs and plant room, Existing Heritage Building of 59m2 and common circulation space
- 1st floor: 4 x 2 bedroom (1 split over 2 levels) 1 x1 bedroom (adaptable) apartments, stairs, foyer and reinstated landscape area
- 2nd floor: 3 x 2 bedroom, bedrooms from two level unit 1 x1 bedroom (adaptable) apartments, stairs, foyer
- 3rd floor:4 x 2 bedroom, (l split over two levels) 1 x1 bedroom apartments, stairs, foyer
- 4th floor: 3 x 2 bedroom, bedrooms from two level unit 1 x1 bedroom (adaptable) apartments, stairs, foyer
- 5th floor: 4 x 2 bedroom (1 split over 2 levels) 1 x1 bedroom (adaptable) apartments, stairs, foyer and reinstated landscape area:

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- 6th floor: 3 x 2 bedroom, bedrooms from two level unit 1 x1 bedroom (adaptable) apartments, stairs, foyer
- 7th floor: 4 x 2 bedroom, (1 split over two levels) 1 x1 bedroom apartments, stairs, foyer
- 8th floor: 2nd floor: 3 x 2 bedroom, bedrooms from two level unit 1 x1 bedroom (adaptable) apartments, stairs, foyer
- 9th floor: 4 x 2 bedroom, (1 split over two levels) 1 x1 bedroom apartments,
- 10th floor: 3 x 2 bedroom, bedrooms from two level unit 1 x1 bedroom (adaptable) apartments, stairs, foyer;
- 11th and 12th Floor 2 x 3 bedroom penthouses over two levels and 2 x 3 bedroom units
- Roof level - 2 private roof terraces for the penthouses, a common roof terrace and drying room.
- One set of twin elevators service the building.
- 3 basements are proposed to provide access to 43 carparking spaces, the 2 lower basement levels accessed via 2 car lifts, .bicycle bays, storage facilities and bin storage is provided
- It is proposed subdivide the development using strata title, approval is sought with this application.

Photomontage of the proposal viewed from Parramatta River Foreshore Reserve



The building will be constructed utilising the following materials:

- Aluminium Cladding – Ribbed Grey and Green
- Precast Concrete Walls – White
- Sandstone
- Aluminium Horizontal louvres
- Glass Louvres – horizontal and vertical
- Translucent Glass Balustrade
- Colorbond roof sheeting
- Metal Mesh Screens
- Aluminium Framed Doors and Windows

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

The building is designed with a basement level podium at the level of the existing heritage building. The residential tower is proposed to be located on a pylon base which will enable the residential tower to float above the existing heritage building and tower typology with the podium located along Phillip Street and 2 towers located above. The proposed development has a height of 53.5m and floor space ratio of 4.46 to 4.95:1 (4050 to 4495m² of floor space).

PERMISSIBILITY

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

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

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

WESTERN SYDNEY JOINT REGIONAL PLANNING PANEL

The development will be determined by the Western Sydney Joint Regional Planning Panel as the cost of development exceeds \$5 million and is located in part on Council owned land.

The application was considered at the JRPP Briefing Meeting on 13 December 2012. At this meeting the JRPP panel members raised the issues regarding impacts from flooding and relationship of the basement levels to the public open space adjacent to the Parramatta River at the rear of the site. These issues have been addressed within the assessment of the proposed development below.

EXTERNAL REFERRALS

NSW Office of Water

The application was referred to the NSW Department of Water as the subject site is located within proximity of Parramatta River. Advice was sought as to whether the

proposed constituted Integrated Development by virtue of the operation of the Water Management Act 2000. Written advice dated 8 January 2013 confirmed that a controlled activity approval is not required as the proposed activity is not occurring within 40m of waterfront land as defined.

The advice further advises that temporary dewatering above 3ML may require a water licence to be obtained from the Office of Water before construction commences. It is further advised that the proposal must not incorporate permanent or semi-permanent pumping of groundwater seepage from below ground areas. Conditions to this effect are included within the recommendation.

Heritage Council of NSW

The applicant made application under Section 140 of the Heritage Act 1977 to undertake archaeological testing and potential salvage excavation, in accordance with comments made by Council's Heritage Advisor. A permit under s.140 of the Heritage Act was issued on 14 March 2013 subject to 22 conditions. As these are obligations imposed under the Heritage Act, 1977 these conditions have not been included in the recommendation of this report. An advisory note is proposed to be included in any consent issued, which is contained within the recommendation below.

INTERNAL REFERRALS

Traffic & Transport Investigations Engineer

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

Existing Development

- 1. *The site contains a building which is currently occupied by a restaurant and bar with carparking at the rear accessed off the loop road. The site is located on the north-east corner of Phillip Street and George Khattar Lane. The site is conveniently located near public transport facilities including the free shuttle bus within the CBD.*

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Proposed Development

- 2. *The proposed development seeks approval for demolition of existing buildings and structures, tree removal and construction of a 13-storey mixed use development comprising of 49 apartments (10 x 1-bedroom, 35 x 2-bedroom and 4 x 3-bedroom units), a café (18m²), and commercial (60m² – heritage building) with basement levels for 43 parking spaces. The 43 parking spaces provided in the basement levels are accessed by 2 car lifts with a driveway off George Khattar Lane.*
- 3. *The submitted Traffic Report stated that "The site area has been reduced by dedication of a frontage strip along the loop road for a footway however the proposed basement will extend beneath the footway".*

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- 4. Note that a Parking Management Plan that will address how to manage parking of vehicles within the site and through to the basement levels using the car lifts has not been submitted with the development application.

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Parking Requirements

- 5. The site is covered within the Parramatta City Centre LEP 2007. In accordance with Council's City Centre LEP 2007, the proposed development is required to provide a maximum of the following:

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Residential:

a. 1 space per dwelling x 49 = 49 parking spaces

b. 1 space per 5 dwellings for visitors x 49 = 9.8 (10) spaces

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Café

(#) Not specified in Council's City Centre LEP 2007= Nil

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Office (60m² GFA):

1. 1 space per 100m² GFA x 60m² = 1 parking space

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Total = maximum of 60 parking spaces (49 spaces – residential; 10 spaces – visitors; 1 space – commercial)

Traffic Generation

- 6. The Roads and Maritime Services Guide to Traffic Generating Developments specify the following traffic generation rates:

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Proposed development-

(#) 0.4 to 0.5 weekday peak hour vehicle trips per unit for 1 or 2 bedroom units

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(#) 0.5 to 0.65 weekday peak hour vehicle trips per unit for 3 or more bedroom units

Applying these trip generation rates:

Proposed development: = 19.6– 24.5 (25) weekday peak hour vehicle trips

- 7. Note that the submitted Traffic Report indicated that “the proposed development is consistent with that envisaged in the planning for the precinct and that there will not be any unsatisfactory traffic implications”.

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Parking Provision and Layout

- 8. The proposed development provides for 43 parking spaces for the residents (including 2 disabled parking spaces) due to site constraints. However, there are significant existing public parking station provision available for resident and café visitors within the CBD area.

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- 9. The dimensions of the parking spaces and aisle width comply with AS 2890.1-2004 (2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent

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walls and 6m aisle width) as shown on the submitted DA plans. At blind aisle, the aisle is extended by 1m beyond the last parking space, as shown on the submitted DA plans.

•10. The dimensions and configuration of the disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space), as shown on the submitted DA plans.

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•11. There are 10 bicycle spaces/racks provided on the lower basement level which is acceptable.

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•12. On-site manoeuvring details within the parking areas have been submitted with the DA and are acceptable. However, it is noted that most of these vehicles will enter the parking spaces in a reverse direction (3-4 point turn movements) so that vehicles will leave these spaces in a forward direction.

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•13. Accordingly, the parking layout and provision of 43 spaces (including 2 disabled parking spaces) are acceptable.

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Access Arrangement

•14. Access into and out of the development is provided via a combined entry and exit driveway (6m wide) off George Khattar Lane.

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•15. The submitted Traffic Report indicated that "access to the basement levels will involve two proprietary car lifts with the northern lift being for descending vehicles and the southern lift for ascending vehicles. The northern lift will normally automatically return and wait at the lower ground level while the southern lift will automatically return and wait at the lower level. However there will be the flexibility to 'program' the lifts to respond to peak directional movements (ie OUT am, IN pm)".

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•16. There is a potential traffic issue regarding queuing on George Khattar Lane due to lack of a protocol on residential parking particularly when the car lifts are malfunctioning.

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•17. The applicant is required to submit a Parking Management Plan to Council for further consideration that will address how parking will be managed properly particularly when entering the site and through to the basement levels. In addition it should also address how it will be managed when the car lifts are malfunctioning.

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Conclusion

Based on the analysis and information submitted by the applicant, the proposed development can be supported on traffic and parking grounds provided that:

(a) The applicant is to be required to submit a Parking Management Plan to Council for further consideration that will address how parking will be

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managed properly particularly when entering the site and through to the basement levels. In addition it should also address how it will be managed when the car lifts are malfunctioning;

(b) subject to the following traffic related conditions.

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Recommendation

1. The applicant is to be required to submit a Parking Management Plan to Council for further assessment that will address how parking will be managed properly particularly when entering the site and when the car lifts are malfunctioning

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Planning Comment: In response to this advice the applicant prepared a Parking Management Plan which was referred to Council's Traffic & Transport Investigations Officer who made the following comments:

1. In response to Council's request, the applicant submitted a Parking Management Plan prepared by Ross Nettle of Transport and Traffic Planning Associates.

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2. The Parking Management Plan indicated the following:

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"The proposed carpark will only have a very simple "management" need because:

apart from residents and 1 tenant car space, there will only be an access provision for 10 resident visitor spaces;

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the residents and the tenant will have 'magic button' remote control to operate the roller shutter access;

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the residents and the tenant will be entirely familiar with the operational aspects of the carpark.

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In regard to the access for resident visitor, the following apply:

there will be an intercom for contacting the residential apartments located on the approach to the roller shutter or alternatively (and more likely) visitors will contact residents by mobile phone to open the roller shutter;

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there will be signage directing visitors to the 4 ground level parking spaces or if these are occupied to the other spaces on basement level 1;

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all visitor spaces will be clearly marked as such as will be resident and tenant spaces;

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there will be signage to assist visitors who are unfamiliar with use of the car lifts;

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- ▶ the roller shutter will operate automatically for cars egressing by activation of a "loop detector" (as per normal);

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In regard to the issue of lift malfunction, there will be 2 lifts and the only realistic potential for both to become inoperative at the same time is if there is total power supply failure. In such cases, roller shutter doors, boom gates etc don't operate so the circumstance is no different to that of a normal carpark.

In relation to the issue of visitors being unfamiliar with the operation of carpark lifts (for those who have not visited other parts of the World) this is not unique and the new Super Yacht Marina at Rozelle Bay will have a multi-deck carpark (190 spaces) with multiple car lifts for public use".

- ▶3. The above Parking Management Plan is noted and is acceptable on traffic and parking grounds. The applicant is to ensure that all relevant instructions and devices are to be provided to the residents and tenants alike and directional signs are installed on the site accordingly.

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Conclusion

Based on the analysis and information submitted by the applicant regarding the Parking Management Plans, the proposed development can be supported on traffic and parking grounds provided subject to the traffic related conditions.

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

Tree Management & Landscape Officer

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

Issues
Impact on Site Trees

- ▶1. Trees to be removed are:

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Tree No	Name	Common Name	Location	Condition/ Height	Reason
1x	<i>Callistemon salignus</i>	White Bottlebrush	Located within the proposed building platform	Fair/10m	Located within the proposed building platform. Tree displays poor structure and is not worthy of retention.
1x	<i>Melia azederach</i>	White Cedar	Located within the	Good/6m	Located within the proposed building platform. Exempt PCC

			proposed building platform		TPO
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Landscape

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

The public domain area which adjoins the property frontage has existing 'City Centre Paving' as shown in drawing No. ISO114DA1 Issue A. Public domain works within George Khattar Lane, where required are subject to the preparation of a public domain plan. The public domain plan shall be prepared in consultation with and subject to the approval of Council's Civil Infrastructure and Open Space Units

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

Open Space

The application was referred to Council's Open Space Officer who reports as follows:

The proposed development adjoins the CBD Parramatta River foreshore reserve and we make the following recommendations:

- 27.● *relocate the proposed rear footpath from the public reserve to within the property boundary (as encroaches into narrow heavily used public reserve and will only service private residents - should not be maintained by Council);*
- 28.● *no access through or placement and storage of materials, vehicles, refuse skips and the like in the reserve to maintain unrestricted public access (including the right of the public to pass, re-pass and remain upon the land for recreational and access purposes);*
- 29.● *to preserve local tree canopy cover and soften the visual impact of the development on the park, the 2 x removed mature trees on the development site shall be replaced by two (2) Spotted Gum (Eucalyptus maculata), consistent with the existing reserve tree species. These replacement trees are to be supplied from a minimum 75 litre pot size and are to be planted in the adjoining public reserve in accordance with Councils Standard Tree Planting specification. The trees shall be maintained in a healthy and vigorous state for a period of 12 months from the date of planting or until established. Maintenance includes, but is not limited to, watering, weeding, removal of rubbish from tree base, pruning, fertilizing, pest and disease control and any other operations to maintain a healthy robust tree. If the replacement trees are found to be faulty, damaged, dying or dead within twelve (12) months of planting then they must be replaced with the same species.*
- 30.● *no excavation shall take place within the critical root zone (CRZ)*, measured as a radius from the centre of the trunk of trees in the adjacent reserve. Excavation may occur between the critical and primary root zones (PRZ)* but only by hand. In the event that major structural roots or feeder*

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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 (as per Clause 34 of the City Centre LEP) *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)

31. All works must be carried out so that:

- a. No materials are eroded, or likely to be eroded, are deposited, or likely to be deposited, on the bed or shore or into the waters of the Parramatta River; and
- b. No materials are likely to be carried by natural forces to the bed, shore or waters of the Parramatta River

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

Development Engineer

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

Flood Prone

As supplied by Council, the Parramatta River flood levels at the site (@ CH 2701) are as follow:

- 24. PMF level: RL 9.63m;
- 25. 100 year flood level: RL 5.85m; and
- 26. 20 year flood level: RL 5.31m.

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The driveway centreline level at this location is RL 6.025m and that the driveway rises to a car park entry level of RL 6.35m. Since the 100 year flood level is RL 5.85m, it follows that the proposed entry level satisfies Council's minimum requirement for a basement entry; that is, the 100 year event level plus 500mm freeboard.

Stormwater Disposal

Stormwater disposal is to be connected into an existing pit on Phillip Street. The on-site detention tank is located above the flood level in the ground floor lobby.

CONCLUSION

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

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

Heritage

The application was referred to Council's Heritage Advisor who reports as follows, the applicant was advised of these comments and given opportunity to address the matters raised. The responses are detailed beneath each point.

1. As confirmed by the archaeological report, the site has a high archaeological potential and therefore an excavation permit under the Heritage Act will have to be obtained from the Heritage Branch of the Office of Environment and Heritage. It is necessary to obtain this permit prior to determination of this DA. It is noted that **obtaining this permit may prove critical for assessment of the current DA.**

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2. As the Deerubin LALC pointed in their submission to previous DA/802/2011, the Aboriginal community has requested that an assessment of impact of the proposal on Aboriginal Heritage be undertaken prior to determination of this DA. It is known that the site comprises Parramatta River sands body that may comprise significant archaeological material and the Aboriginal heritage report should take this matter into consideration. **This matter may also prove critical for the outcome of the current application. The submitted Aboriginal Heritage report has made some recommendations in that regard which JRPP should consider.**

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3. Regarding future use of the cottages, the JRPP will need to be satisfied that their ongoing retention is secured, both during and after the construction process. The currently submitted information presents a solid starting point, but does not include details of either the final future layout, or the conservation works and timing of their execution. The submitted schedule of works should be approved by the architects and heritage consultants and undertaken to a detailed timing plan. The report should also clearly indicate methodology of protection of heritage fabric during works on the site.

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Applicant Response: These matters are generally addressed through a Conservation Management Plan which can be a condition of consent.

4. The extensive excavation is likely to impact on the grounds underneath the cottages and may lead to accidental damage of their structures. The engineers report clearly indicates that **“there is likely to be some ground movements on the adjacent properties due to stress relief effects.** (...) It is unlikely to be practicable to provide restraint for the relatively high in-situ horizontal stresses associated with stress relief mechanisms in the rock. Therefore it is recommended that appropriate allowance be made for movements of this order. Dilapidation surveys on adjacent structures and pavements should be carried out prior to the commencement of excavation works to allow an appropriate response to potential future damage claims” (geotechnical report pp. 12-13). However, given the sensitivity of historic buildings it is not considered suitable to allow any accidents and it is required to supplement the geotechnical report with a clear (if brief) outline of methods necessary to be applied in order to prevent any damage to the heritage item.

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Applicant Response: These matters are generally addressed through a Conservation Management Plan which can be a condition of consent

- 5. *The separation between existing cottages and new building should allow the ongoing use of cottages to be continued, it should allow cottages to retain their character as a separate entity from the new development, and allow visitors and users of the site to perceive the significance of the cottages. This separation should be increased in order to allow for this.*

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Applicant Response: It is my assessment that the separation distance and nature of the separation as proposed is adequate to allow the legibility of the conjoined cottages to be maintained. In effect, as proposed, the cottages will be more readily discerned in relation to the buildings elsewhere on the site than is currently the case. Past additions have given rise to confusion as to the extent of the original building through the use of "sandstock" bricks, the nature of attachment, and the aping of period detailing.

- 6. *It is noted that the size and height of the proposed new development is such that it would physically and visually dominate the surroundings of the heritage cottages. My preference is for the building to be redesigned with reduced height, in harmony with the waterfront developments in its vicinity, as well as the increased separation from heritage cottages.*

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Applicant Response: The size and height of the proposed development is but one aspect of visual impact. The proposal is differentiated from the nature of the conjoined cottages through the use of a differing mode of architectural expression, materials, finishes and colours, and the use of a pilotis. This, in my view, is preferable way to give the existing cottages "room to breathe", than some notionally reduced building that would give rise to more visual noise in the background of the item and when seen in conjunction with it.

- 7. *Regarding the design of the new development, it is noted that symmetry was not used on the elevations, neither on sides nor on the street elevation. As the latter is to be directly behind the heritage cottages, and thus to present their background against the sky, it is recommended that design of this elevation be symmetrical.*

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Applicant Response: While the proposed development will be "directly behind" the conjoined cottages, its design is such that there will be an adequate visual separation both horizontally and vertically. It is somewhat unfortunate that the South Elevation

of the proposal (Jones Sontar [JS] drawing 120201/ DA6.03, dated 10.09.12) does not indicate the relative position of the cottages. An appreciation of the relative height and position can, however, be gleaned from the West Elevation (JS 120201/ DA6.04) where it is apparent that the pilotis elevates the underside of Level 1 to a position that is approx. 1.5 metres above the ridge of the cottages, and set some 7 metres back. The volume of the proposal is such that the core presents an edge to the street at the eastern end, and the building over is neutral in expression, presenting essentially "blank" facade elements within the background of the item. The elevation of the pilotis will allow the volume of the item to be read from George Khattar Land and the riverfront to the north-west, where the west elevation is, indeed, not symmetrical, but operates architecturally in a manner that reinforces the differentiation and diminutive nature of the cottages- or at least their remnant volume.

8. The design of the new development will likely be of interest and subject to comments from the Panel, the urban designers and the Council's Heritage Committee. Further to their views, which may potentially have further implications on heritage, there could be additional changes required and further matters to discuss.

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Applicant Response: As concluded in the Statement of Heritage Impact, the admixture of earlier Colonial-era buildings and those of a scale envisaged and anticipated under the Parramatta City Centre Local Environmental Plan 2007 requires a differing approach to the conventional "setting" considerations in relation to heritage impacts. The current design utilises architectural devices such as the pilotis, volumetric arrangement, facade composition and the use of materials, finishes and colours that will serve to minimise impacts on the significance and setting of the item:

In my view, this approach has several advantages: it regains and maintains the integrity of the remnant heritage item; gives greater access to the item; allows for increased population on the land and hence patronage of more intense adaptive re-use of the item; and increases the legibility of the item.

The applicant's responses were referred for comment to Council's Heritage Advisor who further commented as follows:

DISCUSSION

As per my original comments, the site of 64-66 Phillip Street, also known as Barnaby's Restaurant, comprises a potential archaeological site and a heritage item individually listed for its historic values and reasons of representativeness. The

Heritage inventory datasheet describes the cottages as “Conjoined pair of single storey Old Colonial Georgian cottages of brick with hipped iron roof, stone sills and brick lintels. Most of the interior and exterior detail has been removed but the windows retain the Georgian character. Archaeological Site.”

Regarding the current proposal, eight key points were noted. The currently available information replied to these as follows:

- Excavation permit under the Heritage Act was obtained from the Heritage Branch of the Office of Environment and Heritage and provided to PCC. The permit includes a total of 22 (twenty-two) conditions. It is required to include all these conditions in any eventual consent to this DA.
- The applicant’s heritage consultant, in reply to my comments, recommended that a Conservation Management Plan may become part of the conditions of consent. My preference however remains to include all relevant details of conservation and reuse of the item at the current (DA) stage.
- Given the above, my point 1 of the original comments is now deemed satisfied, subject to the 22 conditions added by the NSW Heritage Council. However, the remaining points 2-8 of my original comments remain as per previous advice.

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Planning Comment:

In relation to points 1 and 2, each is capable of being addressed by conditions of consent and advisory notes to this consent. It is noted that Council’s Heritage Officer would seek to impose the 22 conditions of the Section 140 Permit to any development consent issued. As discussed, as these are obligations under the Heritage Act, 1977 it is unnecessary to impose those as conditions.

In respect of the Aboriginal Archaeological Assessment, (point 2) it is considered appropriate to impose the recommendations of the report as conditions of consent. Suitable conditions are contained within the recommendation.

The remaining issues which relate to the design of the proposal are essentially a matter of opinion. The proposed development is consistent with the Design Excellence Proposal. The Design Review Panel stated in relation to the Phillip St elevation, that “the jury supports the form and materiality of the vertical fin as a counter point to the heritage building. The jury is of the opinion that high quality materials and detailing are the key to the successful response of this elevation to the heritage element.”

It is agreed that the remaining issues can be the subject of a Conservation Management Plan, which is required to be submitted to Council to the satisfaction of Council’s Heritage Officer prior to the release of the Construction

Certificate. Conditions to this effect have been included within the recommendation.

Urban Design

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

This scheme won a Design Competition in July of this year. The jury awarded design excellence to this scheme subject to conditions. The following are the conditions which still need to be demonstrated:

Ground Plane

Features which are instrumental in achieving design excellence and which should be maintained as the scheme develops are outlined below.

~~30.~~ *High quality materials choices such as sandstone and metal cladding as indicated on the competition drawings are essential in achieving design excellence.*

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~~31.~~ *The jury is highly supportive of the proposal to incorporate an aboriginal artwork on the soffit of the lobby.*

Phillip Street Elevation

Features which are instrumental in achieving design excellence and which should be maintained as the scheme develops are outlined below.

~~44.~~ *High quality precast that is well detailed with expressed joints and high quality metal cladding to the fin element is key to the design excellence of this elevation.*

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Roof Plane

Features which are instrumental in achieving design excellence and which should be maintained as the scheme develops are outlined below.

~~46.~~ *High quality metal cladding to the roof and fin elements.*

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Floor Space Ratio

The winning scheme did not originally include the floor space of Barnaby's Restaurant and as a result of this and other changes the jury requested a revised scheme. This revised scheme was presented to the jury which reduced the FSR to 4.4:1 by reconfiguring some of the apartments. However the jury preferred the previous plans as they exhibited better internal amenity. This DA has the original apartment layouts and therefore exceeds the FSR by 0.6:1 the jury thought this would be acceptable and could be accommodated by LEP Clause 35(9).

The scheme complies to SEPP65 and other than the above conditions which will need to be demonstrated the DA complies with the winning scheme.

Planning Comment: The comments in relation to FSR are noted and discussed within the assessment of the FSR later in this report. The matters raised have been addressed within the body of this report and by way of conditions of consent within the recommendation of this report.

Public Arts Officer

The application was referred to Council's Public Arts Officer who reports as follows: An Arts Plan was submitted with the application. The Arts Plan was referred to Council's Arts Officer who advised:

The Arts Plan as presented doesn't provide the level of detail required to make an assessment on the appropriateness of the Arts Plan for this particular development site and prescribes the artwork outcome prior to considering the site;

It is requested that the Arts Plan be further developed to include the following in detail;

1. Background

a. Site Description – description of proposed development including location, use, scale and indication of the proposed architectural finish

b. Site Analysis – identifying the significance of the site and precinct including heritage, cultural history, physical and environmental aspects, local/ regional context and public profile.

2. Personnel – Outline Artist /Planner qualifications and experience and any other Artist / Designer involved in the process including an outline of the Artist Selection Process. Parramatta City Council places a high priority on commissioning Western Sydney artists. Council's Public Art Officer can assist with connections to suitably qualified Personnel.

3. Thematic Context Direction –Identify and explore themes developed from the site analysis.

4. Potential Artwork Treatments – An overview of possible treatments and identification of proposed location. For example, foyers, atriums, landscaping, paving, lighting, facades, fixtures, fittings, freestanding artworks.

5. Concept Development – this should include a brief statement explaining the rationale behind the artwork and should demonstrate how the proposed artwork will relate to the site. It should include concept drawings, scale and context, samples and finishes, and where appropriate models and photomontage.

6. Timeline – Staging of the work in relation to construction

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7. Preliminary Budget Estimate – The preliminary budget indicates a context for design scale and material. Artworks should be of a scale appropriate to the development. Nb. Parramatta City Council supports a precedent for a budget guide of 1% for public art ie 1% of the total cost of the development.

It is therefore proposed that a condition of consent be applied that will ensure further development and approval by Council of the arts plan. To achieve this:

- The Applicant will be required to resubmit the plan with all additional documentation as outlined above to Council that details the realisation of the Arts Plan through design concepts, evidence of managed EOI process, construction documentation and project management prior to issue of the construction certificate.

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- The artworks are installed to the satisfaction of Council prior to the issue of the Occupation Certificate.

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Planning Comment: The above requirements have been included as conditions of consent within the recommendation of this report.

Waste Management Officer

The application was referred to Council's Waste Management Officer, standard conditions of development consent have been provided.

Planning Comment: Appropriate conditions of consent are incorporated within the Recommendation section of this report.

PUBLIC CONSULTATION

In accordance with Council's Notification DCP, the proposal was advertised with owners and occupiers of surrounding properties given notice of the application in accordance with Council's Notification DCP 18 October 2012 and 17 November 2012. In response, 8 submissions were received. The issues raised within these submissions are discussed below.

Issues - Demolition -on basis of wastage and impact upon landfill and Damage to adjoining development during construction noise and Construction management plan not provided addressing matters of public safety, Operating hours, noise and vibration controls, air and dust management, stormwater and sediment control, Waste management - for demolition and construction phase and traffic management during construction phase.

Planning Comment: A Waste Management Plan has been submitted with the application. Standard conditions of development consent in relation to the management of the construction phase and waste management have been included within the recommendation of this report.

Issue -Removal of Trees

Planning Comment: Two trees are to be removed, both of which are located within the building area. Only one of these trees is affected by Council's Tree Preservation Order and Council's Tree Management and Landscape Office has assessed the tree as being in poor condition and not worthy of retention. Conditions within the recommendation of the report address the landscaping of the proposed development.

Issue -Increase in density – must not overburden utilities or increase crime, traffic or burden health budget

Planning Comment: The proposed development will be required to ensure satisfactory provision of utilities, the density of the development is envisaged by the planning controls.

Issue Excessive scale relative to nearby development

Planning Comment: The overall scale of the development has been considered relative to the effective planning controls of height, FSR, building separation and the subject of a Design Excellence Competition. This assessment determines that the proposal is satisfactory in light of the circumstances of the case.

Issue Flood Impacts, further impacts upon foundations of adjoining buildings

Planning Comment: Flood impacts have been considered in the advice of Council's Development Engineer Conditions. have been imposed to ensure no adverse impacts arise as a result of the development proposed.

Issue Excessive FSR

Planning Comment: As is discussed within the body of this report the proposal exceeds the maximum FSR, although variation of the maximum is supported in this instance.

Issue Negative impact on heritage significance

Planning Comment: The proposal has been the subject of heritage assessment in relation to both European and Aboriginal heritage. Appropriate conditions have been imposed to protect the heritage significance of the site.

Issue Traffic Impacts - conflict with Salvation Army and office activities

Planning Comment: The traffic and parking provision has been assessed by Council Traffic Engineer, who raises no objections subject to the imposition of conditions of consent.

Issue Loss of outlook from commercial properties

Planning Comment: The proposed development is of a high design standard that is contemplated by the applicable planning controls. The proposal does not impact upon any view corridors identified in Council's adopted LEP and DCP's.

Issue Impacts upon adjoining residential development at 70- 74 Phillip St including overshadowing, washing lines, privacy, traffic, water pressure, reduction in property values - owners bought when residential construction was not foreseeable.

Planning Comment: The proposed development is envisaged by the planning controls, as a permissible use. As is detailed within this assessment, the variations to the planning controls in relation to building separation do not impact upon privacy due to the design of the proposal. Further the adjoining site enjoys a similar northerly aspect and views of the river. Property values are not a matter for consideration under s. 79C of the Environmental Planning and Assessment Act, 1979..

Issue - Loss of Open space on Parramatta River Banks

Planning Comment The proposed development does not impact upon the adjoining reserve. All development is located clear of the public reserve.

Issue - No need for more cafes

Planning Comment This is a matter to be determined by market forces. The location of the proposed café is considered to be appropriate, however other permissible forms of development could be accommodated within the retail floor space.

Issue - Excessive height relative to other buildings and Parramatta River environs

Planning Comment: The proposed development complies with the height controls effective under Parramatta LEP 2007.

Issue - Inadequate parking provided

Planning Comment: The proposed carparking has been assessed by Council's Traffic Engineer, sufficient parking is provided to meet the requirements of Council's DCP.

Amended Plans

No

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 report prepared by Aargus Australia, titled Preliminary Environmental Site Assessment, dated August 2011 discusses the potential contamination and remediation of the site, which reads inter alia:

This report shall provide a preliminary assessment of any site contamination and, if required, provide a basis for a more detailed investigation. Site observations indicated the building structure currently remain intact with top soils and natural clays evident within the garden areas of the site. There were no olfactory indicators of potential contamination and there were no visual indicators of underground storage tanks (past or present) on the site.

A number of potential areas of environmental concerns were identified at the site, particularly:

- ii. Whole site where uncontrolled fill may have been imported to level the site prior to the construction of the residential properties;*
- iii. Where pesticides were potentially utilised within the site;*
- iv. Carpark areas where leaks and spills from cars may have occurred;*
- v. Asbestos / Fibro features within the current building structures.*

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All are considered of minimal (low) environmental concerns for the following reasons:

- 47. Fill materials is expected to be minimal across the site.*
- 48. Pesticides are not persistent in the environment and the occurrence of pesticides within the school is considered low.*
- 49. No visible surface staining was visible on the site surfaces.*
- 50. Asbestos / Fibro would be in a bonded form within the features and, if present, to be removed by a qualified asbestos contractor during demolition. Asbestos in a bonded form is considered non-friable and as such the building materials are considered safe.*

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Based on the above, it is considered that the potential for significant contamination of soil and groundwater within the site is low. If any works are proposed at the site, soils should be classified in accordance with the "Waste Classification Guidelines, Part 1: Classifying Waste" NSW DECC (2009), if they are to be removed. If during any potential site works, significant odours and / or evidence of gross contamination not previously detected are encountered, or any other significant unexpected occurrence, site works should cease in that area, at least temporarily, and the environmental consultant should be notified immediately to set up a response to this unexpected occurrence.

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55 and appropriate conditions are contained within the recommendation of this report.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

The provisions of SEPP (Infrastructure) 2007 have been considered in the assessment of the development application. The application is not subject to Clause 101 of the SEPP as the site does not have frontage to a classified road. The application is not subject to Clause 102 of the SEPP as the average daily traffic volume of Phillip Street is less than 40,000 vehicles.

STATE ENVIRONMENTAL PLANNING POLICY 64 – ADVERTISING & SIGNAGE

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

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The application for the mixed use development has been accompanied with a BASIX certificate that lists commitments by the applicant as to the manner in which the

development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal.

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

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

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

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

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. The site is located adjacent to the foreshore reserve and a waterway and therefore, the objectives of the SREP are applicable to the proposed development. The development as proposed, in conjunction with the application of the effective planning controls and the conditions of consent contained within the recommendation, is consistent with the controls contained with the deemed SEPP.

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

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

Context

The design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The proposed development maximises the northern aspect of the subject site and the views of Parramatta River, whilst respecting the heritage building on the site and adjoining land. The scale of building and type of uses are compatible with the proposed redevelopment of the precinct and recognises and generally complies with the requirements of Parramatta City Centre LEP 2007 and DCP 2007.

Scale

The scale of the building in itself is considered suitable within its locality and is envisaged by the prevailing planning controls. The overall form of the building was considered during the Design Excellence process and jury decision. Whilst there is a variation of the FSR control as discussed in greater detail in this report, the overall height is consistent with the applicable development controls.

Built form

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

The non-residential function of the ground floor of the building better defines the public domain, contributes to the character of the future streetscape, and provides internal amenity and outlook. Whilst enabling the preservation of the listed heritage building on the site.

Density

The proposal will 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 mix of units is consistent with the planning controls and includes 10% adaptable units. The proposed density of the development is regarded as sustainable and consistent with the desired future density. The proposed density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality.

Resource, energy and water efficiency

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

Landscape

The landscaping solutions depicted in the landscape and architectural plans are considered to be of high quality and appropriate to the proposed development.

Amenity

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

Safety and security

The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy. The ground floor is proposed as an open area enabling and encouraging pedestrian movements from Phillip St to the river foreshore. Common areas are proposed to be appropriately lit by timers and sensors.

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

Consideration has been given to the flood risk to future occupants and appropriate conditions of consent have been included to address this potential safety issue.

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. The proposed development provides for a mix of unit types and is well located in relation to services and public transport providing alternative accommodation stock. It is considered that the proposal satisfies these requirements.

Aesthetics

The proposed development has been the subject of a design excellence competition process, to achieve a high standard of design on a nominated key development site and is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered aesthetically to respond to the environment and context, contributing to the desired future character of the area. Suggested conditions of consent contained in the recommendation emphasise the importance of a high standard of finish.

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	14m across the width of site 30+ m measured from Phillip Street	In part The proposed development responds appropriately to the narrow nature of the subject site.
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys)	Nil to boundary and 1m min separation On site – separation between buildings 8.1m (min)	No. N/A
Storage	1 bedroom 6m3 2 bedroom 8m3	Separate storage areas are provided for	Yes

	3 bedroom 10m3	each unit within the basement and comply	
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All dwellings have balconies with a minimum depth of 2m	Yes
Residential Ceiling heights	Minimum 2.7m	2.7m	Yes
Min. Apartment size	Studio 38.5m2 1 bedroom 50m2 2 bedroom 70m2 3 bedroom 95m2	1 bed = 53m2 min 2 bed = 80m2 min 3 bed = 113m2 min	N/A Yes Yes Yes
Open Space	The area of communal open space should be between 25-30% of the site area (25%=227m ²)	Communal open space is provided at roof level. The area of communal open space is 172m ² or 18% of the site.	No
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone (25%=58m ²).	Max soil depth 300mm	No
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	5 units	Yes
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 2 hours direct solar access on winter solstice (if in a dense urban environment)	100% to living rooms and private open space	Yes
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	No apartments have a south facing aspect	Yes
Natural ventilation	60% of units should be naturally cross ventilated	100%	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation	46%	Yes
Natural ventilation	The back of a kitchen should be no more than 8m from a window	The majority of kitchens are within 8m from a window	Yes

Comment on non-compliances:

Building Depth

The RDFC recommends a building depth of between 10m and 18m to ensure that apartments are designed to provide all habitable rooms with direct access to fresh air and to assist in promoting thermal comfort for occupants. The proposed building depths comply with the RFDC rule of thumb of a maximum of 18m due to the effective 3 frontages of the property to the public domain. The amenity of the units is not affected by the overall depth of the building.

Building Separation

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

The proposed development has a minimum separation distance of less than 2 to the adjoining residential development. The width of the site at the residential portion of the development is 16m, thereby compliance with the control would render development of the site impossible.

The applicant has submitted a response to the variation for the following reasons:

- The DA reflects the successful competitive design excellence process.
- The building substantially meets the relevant provisions
- The apartments have been designed so as to maximise internal amenity and outlook, while minimising privacy and overlooking. Strict compliance with the building separation provisions, in those locations where there are departures, would not result in any change or improvement to the amenity of apartments or to the public domain.
- The design of the development is derived directly from a successful design competition, and the development responds effectively and sensitively to the location and the surroundings

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

The proposal has considered daylight access and all units enjoy appropriate levels of daylight access and ventilation

The proposal has addressed urban form by aligning buildings active frontages along the street frontages and river foreshore and by providing “space “around the existing heritage building on the site.

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

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

As discussed above, Parramatta LEP2007 requires minimum separation distances between buildings and their boundaries and between buildings on the site. The minimum separation distances are not achieved and a Clause 24 variation has been sought to vary the standard. The impacts of the separation of buildings has been discussed in detail further within this report and it is considered that the proposed separation distances are acceptable.

Open Space

The RDFC recommends that a minimum area equivalent to 25% of the site area should be allocated as communal open space. The area of communal open space provided is 172m² at roof level, being 18% of the site area. Although this represents a minor variation to the 'rule of thumb' it should be noted that the development is located adjacent to the river foreshore and provides an open area within the ground floor plane for access. The minor variation is considered acceptable given sufficient communal facilities have been provided and the location of the site.

Deep Soil Landscaping

The RDFC recommends that a minimum area equivalent to 25% of the open space area should be allocated as deep soil landscaped area. The landscape plan provides for no deep soil planting in excess of 300mm. This is a result of the constrained nature of the site, the basement level required to achieve appropriate access. It being noted that the site comprises land beneath George Khattar Lane for effective vehicular access to the site. Notwithstanding, the non-compliance, there is an appropriate landscape scheme for the proposal in its locational context and it is not considered detrimental to the immediate locality that deep soil landscaped area cannot be achieved on the site.

Planning comment in general:

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

Local Context

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

Site Design

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

Building Design

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

PARRAMATTA CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2007

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

Aims and Objectives

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

Height of Buildings

Clause 21 restricts the height of the building to a maximum height limit of 80m. The proposed development was the winning entry in a design excellence competition and was awarded a 10% bonus on the height control. The maximum permissible floor height by virtue of Clause 22B(6) is 88m. The proposal has a height of 53.5m which complies with this requirement.

Architectural Roof Features

Clause 21A allows architectural roof features to extend beyond the height limit prescribed by Clause 21. The architectural roof features do not extend beyond the maximum height permissible and are considered acceptable as they are predominantly limited to decorative elements that do not comprise floor space. The lift over-run located on the rooftop exceeds the height limit. Additionally, in accordance with Clause 22(b) the equipment for servicing the building (roof top plant, lift motor rooms and overruns, fire stairs etc.) and as detailed within the proposed elevations and sections are designed to be fully integrated into the design of the roof feature as they are contained in and support the roof feature.

Floor Space Ratio

Clause 22 restricts the floor space ratio on the site to a maximum of 4:1. The proposed development was the winning entry in a design excellence competition and was awarded a 10% bonus on the floor space ratio control. The maximum permissible floor space ratio as prescribed in clause 22(2) is 4.4:1. By application of Clause 35(9) – Heritage Incentive Provisions, a maximum FSR of 4.46:1 is sought, the additional floor space (0.06:1) being the floor area of the heritage building retained on the site.

When detailed floor space calculation were submitted the applicant has excluded the access foyers on each residential floor from the gross floor area and have not been included in the FSR calculations, on the basis these areas are open and not enclosed and so do not fall under the definition of floor space. The area of the access foyers in total is in the order of approximately 450m². This area equates to in excess of one residential floor of the building.

The applicant was asked to justify the variation of the standard as these foyer areas are in fact largely enclosed. The applicant advised that the western elevation, glass

louvres as indicated are to be fixed open. Irrespective of the technicalities of the proposed foyers being open or otherwise, the location of the foyers and the design of the building effectively enclose the space and that the floor space of the foyers contributes to the overall bulk and scale of the building as it is located centrally on the floor plans and it cannot be argued that the floor area should be excluded as a balcony is for example.

Concern was raised as to the impact of weather upon the open foyers and it is considered likely that future residents would likely to seek the enclosure of the area. In fact, given the standard of the building being the subject of the design competition process, it is appropriate that the foyers not be open to weather and wind.

The proposal as submitted provides for a FSR of 4.46: 1, inclusion of the open foyers would equate to an FSR of 4.95:1.

The applicant has sought to rely upon the design excellence process as justification for further variation of the FSR. Compliance with the control could be achieved by conditioning the approval to prevent the enclosure of the foyer areas. This is not considered to be an appropriate outcome for future residential amenity.

It would also be more difficult to support a variation, where the height control was also compromised, which in this instance the development proposed is within the overall height limit by a considerable degree.

The existing heritage building impose further restrictions on the development of the site . A base costing prepared by a Quantity Surveyor outlining the cost differential of retaining the heritage item in the construction relative to developing the site without the heritage building has been submitted and indicates that the retention of the heritage item comes at a significant impost to the applicant. The proposed additional FSR sought by the applicant pursuant to Clause 35(9) amounts to 53.36sqm being effectively the floor space contained in the heritage building.

It is noted that the issue of additional FSR was flagged through the design competition process and the Jury commented:

The jury is of the opinion that the minor changes proposed are acceptable as they do not change the overall volume or affect the external treatments of the building. A proposal with alternative floor layouts achieving compliance with the FSR were considered, with the Jury ultimately preferring the proposed scheme for reasons of amenity.

Similarly, it is for reasons of amenity, heritage conservation and support of the design excellence process that it is considered that the variation to FSR should be supported. The subject site is significantly restricted in development opportunities by the physical constraints of the dimensions of the site and the existing heritage building to be retained. In seeking to achieve an appropriate design solution, the applicant has made use of the design excellence process which considers the form and function of the building relative to its context Finally for reasons of amenity it is considered that the open foyer areas must be capable of being enclosed to protect against wind and weather. A condition to this effect is contained within the

recommendation. In keeping with the overall architectural details, it is considered appropriate that the enclosure maintain the open element anticipated yet be capable of enclosure.

Minimum Building Street Frontage

Clause 22 requires a minimum street frontage of 20m to at least one street frontage. The subject site has the following street frontages:

Phillip Street	17.045m
George Khattar Lane	29.96m

The proposal therefore complies with this requirement.

Design Excellence

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

Car Parking

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

The proposed development may provide a maximum of 59 residential spaces (including 10 visitors) and 1 commercial space.

The application proposes 43 car parking spaces, being all resident spaces. This complies with the maximum provisions of LEP 2007. The car parking provided is considered satisfactory and although a further 17 spaces could be provided under the planning controls, the development adequately provides for the needs of the future occupants of the site. The site is located where it has excellent access to public transport and shopping facilities. The shortfall in parking provision is supported by Council's Traffic Engineer.

Building Separation

Clause 22D requires the proposed development to have specific building separation distances. The proposal contains a number of non-compliances with the separation requirements of the LEP, being the following:

Height	Setback Required	Min. Setback Proposed
0m – 36m	Nil – 6m	Nil
36m – 54m	9m	Nil
54m – 72m	12m	N/A

The building separation therefore does not comply with the LEP separation distance requirements and variation under Clause 24 is sought to vary this standard. This matter is discussed in further detail within this report.

Ecologically Sustainable Development

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

The design has been prepared having regard to the opportunity of passive solar design and day lighting, suitable orientation and natural ventilation. Details are also outlined on the submitted Basix Certificate. The proposal provides an adequate waste management plan and complies with Council's maximum parking provision to reduce the need for car dependency.

Exceptions to development standards

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

Variations are sought to FSR under Clause 22 and Building Separation under Clause 22D.

- (1) *The objectives of this Plan for the control of floor space ratios are as follows:*
- (a) *to ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of the Parramatta city centre,*
 - (b) *to ensure that proposals for new buildings are assessed with due regard to the design excellence and built form provisions of this Plan,*
 - (c) *to provide sufficient floor space for high quality development for the foreseeable future,*
 - (d) *to regulate density of development and generation of vehicular and pedestrian traffic,*
 - (e) *to encourage increased building height and site amalgamation at key locations.*

By application of Clause 22B to achieve an additional 10% FSR through the design excellence process and Clause 35 (9) – heritage incentive provisions a floor space ratio of 4.46:1 is sought by the applicant. As discussed above, the floor space as calculated excised the foyer areas of each residential floor. Should the condition of consent be imposed as suggested to enable enclosure of the foyers the floor space will effectively be 4.95:1.

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

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

Parramatta City Centre DCP requires specific separation distances to the side boundary. The proposal contains a number of non-compliances with the separation requirements of the DCP, being the following:

Height	Setback Required	Min. Setback Proposed
0m – 36m	Nil – 6m	Nil -4m
36m – 54m	9m	Nil – 4m
54m – 72m	12m	N/A

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

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

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

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

The applicant has submitted the following justification for the variation to the building separation requirements of LEP2007, that the retention of the heritage building and the constrained nature of the site significantly limit the opportunity to provide setbacks. The application has been the subject of a design excellence competition which resolved the design issues of the site thereby establishing the development as proposed as an appropriate design outcome.

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

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

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

Subclause 24(3) requires that the applicant demonstrate:

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

Comment

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

- *The DA reflects the successful competitive design excellence process.*
- *The overall bulk and scale of the development is not increased by the enclosure of the foyer areas. It is anticipated that the enclosure uses open*

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materials so as to achieve a similar design outcome to the open louvres proposed originally.

- The apartments have been designed so as to maximise internal amenity and outlook, while minimising privacy and overlooking. Strict compliance with the building separation provisions, in those locations where there are departures, would not result in any change or improvement to the amenity of apartments or to the public domain.
- The objectives of the building separation standard are met, as outlined in the table below.
- There is no environmental planning benefit from enforcing strict compliance with the standard. The objectives of the standard are met; the design of the development is derived directly from a successful design competition, and the development responds effectively and sensitively to the location and the surroundings.
- The departures from the building separation standard do not raise any matters of significance for State or regional planning.
- There is no public benefit to be derived from strict adherence to the building separation standard.
- The competitive design process has dealt with public interest issues such as the public domain and the justifiable departures from relevant planning controls.

- **the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out**

Clause 22 and Section 2.4 of PDCP 2007 includes the FSR and building separation provisions. The stated objectives and comments in response are provided below:

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Objectives	
FSR	Comment
to ensure a degree of equity in relation to development potential for sites of different sizes and for sites located in different parts of the Parramatta city centre,	The proposed development achieves development of a site which is unique from other development sites. In that it has 3 effective frontages, contain a heritage building and is adjoined by a site which also contains heritage buildings.
to ensure that proposals for new buildings are assessed with due regard to the design excellence and built form provisions of this Plan,	The proposed building has been the subject of a design excellence competition and so satisfies this objective.
to provide sufficient	The overall amenity of the development is not

<i>floor space for high quality development for the foreseeable future,</i>	<i>compromised. A proposal to achieve compliance with the FSR was considered and rejected by the Jury.</i>
<i>to regulate density of development and generation of vehicular and pedestrian traffic,</i>	<i>Parking to meet the needs of the development can be provided on site and is satisfactory to Council's traffic engineer.</i>
<i>to encourage increased building height and site amalgamation at key locations.</i>	<i>The site is nominated as a key site and amalgamation of the site will be required as a condition of consent.</i>
Building Separation	
<i>To ensure an appropriate level of amenity for building occupants in terms of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy.</i>	<p><i>The positioning of the tower and the orientation and design of the apartments reflects the winning design competition.</i></p> <p><i>The apartments generally meet the amenity provisions of SEPP 65 and the Residential Flat Design Code in terms of daylight, cross-ventilation and privacy.</i></p> <p><i>Apartments within the tower have been designed so as to maximise outlook and exploit orientation, with all of apartments facing north, east and west. Sensitive design results in protection of privacy and no unacceptable overlooking impacts.</i></p>
<i>To achieve usable and pleasant streets and public domain areas in terms of wind mitigation and daylight access.</i>	<i>Again, the DA reflects the successful design competition. The design responds effectively to the frontages of Phillip Street, George Khattar Lane and the river foreshore with active frontages.. Strict compliance with the building separation provisions will make no difference to daylight or wind conditions within the public domain.</i>

Clause 12 and the associated Land Use Table of the PCCLEP 2007 sets the objectives of the B4 – Mixed Use zone and requires that the Council must have regard to the objectives of the zone when determining a development application in respect of land within the zone. Compliance with these objectives is addressed in the table below:

B4 – Mixed Use Zone Objectives	Comment
<i>To provide a mixture of compatible land uses.</i>	<i>The proposal seeks to develop the site for mixed use purposes, providing additional housing opportunities in close proximity to existing employment businesses.</i>
<i>To integrate suitable business, office, residential, retail and other development in</i>	<i>The inclusion of residential apartments and commercial tenancies will provide housing opportunities in the vicinity of public transport nodes and employment areas.</i>

<p><i>accessible locations so as to maximise public transport patronage and encourage walking and cycling.</i></p>	
<p><i>To create opportunities to improve the public domain and pedestrian links within the Mixed Use Zone.</i></p>	<p>The proposed development is a high density residential development within close proximity to the Parramatta City Centre. This residential accommodation on the site will promote and support the vitality of retail/commercial uses within the Parramatta City Centre. Also the commercial tenancies provided along the street frontages of the site will activate the public domain at a pedestrian level.</p>
<p><i>To support the higher order Commercial Core Zone while providing for the daily commercial needs of the locality, including:</i></p> <ul style="list-style-type: none"> <i>1. Commercial and retail development,</i> <i>2. Cultural and entertainment facilities that cater for a range of arts and cultural activity, including events, festivals, markets and outdoor dining,</i> <i>3. Tourism, leisure and recreation facilities,</i> <i>4. Social, education and health services,</i> <i>5. High density residential development.</i> 	<p>The high density residential levels of the development will further support and promote the vitality of the Parramatta City Centre through their close proximity to the commercial core zone.</p> <p>Furthermore the ground floor retail/commercial level of the development will further contribute to the support of the Parramatta City Centre through future associated business activity of these tenancies with the commercial core businesses.</p>
<p><i>To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre.</i></p>	<p>The proposed development will provide uses that will contribute to the activation of the Parramatta City Centre and its immediate public domain including the foreshore of the Parramatta River and the identified heritage items located on and adjoining the site.</p>

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Planning Comment

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

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

Importantly, the development complies with the core building height development standards. The development is of a scale, density, form and land use mix envisaged by the local planning controls, and due to the competitive design process, ensures a superior development outcome in the City Centre.

The departure from the FSR and building separation standard is minor and has no material impact on the public domain or on the amenity of individual apartments or adjoining land. The flexible application of the standard results in a superior development outcome, with the objectives relating to daylight, outlook, view sharing, ventilation, wind mitigation, and privacy achieved. Similarly the B4 zone objectives for the site are achieved.

In the circumstances of the case it would be unreasonable and unnecessary to enforce strict compliance with the FSR and building separation standard and if the standards were applied strictly, it is likely that economic development of the site could not be achieved. The comments provided are sufficient environmental planning grounds to justify contravening the development standards.

Concurrence can be assumed under delegation for the use of Clause 24 to the building separation but not in respect of FSR or height.

Outdoor Advertising and Signage

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

Heritage Conservation

Besides the heritage item on the subject site the proposed development is in the vicinity of the State Heritage Register-listed item

70 and 74 Phillip Street	Office and potential archaeological site	Lots 1 and 2, DP 621858, Pt Lot 36, Sec 26, DP 758829
70, 72B, 74, 76 and 80A Phillip Street	Convict Drain	Various allotments

The application has been considered by Council’s Heritage advisor. This is addressed in greater detail above. Appropriate conditions have been included within the recommendation of this report.

Archaeological Sites

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

The site is listed as having State archaeological significance. A permit under Section 140 of the *Heritage Act 1977* has been granted, subject to conditions.

Places of Aboriginal Heritage Significance

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

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

The site is identified as having high sensitivity under the Aboriginal Pleistocene Study. The Deerubbin Local Aboriginal Land Council and the Dharug Tribal Aboriginal Corporation were notified of the proposal by way of the notification process. No responses have been received.

DEVELOPMENT CONTROL PLANS

Parramatta City Centre Plan Development Control Plan

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

Building Form

Street Alignment & Street Frontage Type

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

The site planning and design of the proposal has been determined by the location of the heritage building on the site and the heritage buildings adjoining to the east. A street wall height is proposed to George Khattar Lane. On the Phillip Street frontage the existing heritage building is retained and the proposed building floats above behind the existing heritage building.

The application was the winning entry in a design excellence competition. The Jury considered the urban design qualities of the proposal in detail and supported the non-compliances with the street alignment and street frontage types as the development provides an appropriate response to the surrounding urban context and whilst responds to the heritage building located on the site.

Building Depth and Bulk

Whilst the site is constrained by the three frontages and by limited site area, the northerly aspect of the site and outlook over the river, coupled with appropriate design ensures the internal amenity of the units is appropriate. The building provides for retention of the heritage building on the site, whilst achieving development of the site in a manner anticipated by the planning controls.

Building Separation

This issue has been discussed elsewhere within the report.

Mixed Use Developments

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

Deep Soil

The DCP requires 15% of the site to be deep soil zone, being approximately 1362m². The proposal provides for no areas of deep soil. The provision of deep soil planting is limited by the three effective street frontages and heritage building on Phillip Street and limited site area in which basement level parking is located. The landscaping proposals have been assessed by Council staff to be appropriate solutions within the constraints that exist on the subject site.

Landscape Design & Planting on Structures

The extent of landscaping proposed is considered to provide suitable amenity for residents and visitors and satisfies the requirements of the DCP.. An integral part of the proposal is the provision of a rooftop communal landscaped courtyard and ground level common area. The landscaping proposed will enhance the presentation of the development

Sun Access to Public Spaces

The submitted shadow diagrams confirm that the river foreshore will not be affected by the development and shadows cast by the building will be projected across the roadway for the most part with minimal affectation of adjoining properties due to the northerly aspect of the site.

Pedestrian Amenity

The proposal will provide for improved pedestrian access through the site from that existing. George Khattar Lane will be retained.

Active Street Frontages

The proposal will provide for active street frontages to Phillip Street and the river foreshore.

Front Fences

The proposal provides for wall along the George Khattar Lane frontage which enables a physical barrier between public and semi public spaces whilst maintaining the opportunity for natural surveillance in to, and out of the site.

Safety and Security

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

Awnings

The DCP does not require an awning for development on the subject site and is not considered appropriate to the design of the proposed development.

Building Exteriors

The building contributes positively to the streetscape by providing quality and robust materials and finishes. The building also provides richness in detail with differing design elements and use of articulation to complement the existing and future streetscape. The standard of the external finishes is a matter of relevance to the effectiveness of the design as considered by the Jury in the Design Excellence Competition. A condition to this effect is contained within the recommendation of this report.

Advertising and Signage

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

Access, Parking & Servicing

Pedestrian Access and Mobility

The entries to the site provide access to the premises without requiring a pedestrian to traverse any steps. A lift provides access to all levels of the building. The development satisfies the requirements of the DCP.

Vehicular Driveways and Manoeuvring Areas

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

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

On-site Parking

As noted above, the proposal provides sufficient carparking, notwithstanding that it falls short of the maximum number of spaces permitted.

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

Site Facilities and Services

A garbage room is located within the basement. Access is provided to the garbage room and the room incorporates a separate general waste and recycling facilities.

Environmental Management

- The proposed materials used within the design will not cause excessive reflectivity.
- The proposal incorporates adequate natural lighting for thermal comfort.
- The proposal displays acceptable initiatives in terms of energy efficiency and water management. The development will need to comply with the commitments of the approved Basix Certificate.
- Appropriate conditions are imposed to ensure water efficient taps and toilet cisterns are provided.
- A satisfactory waste management plan prepared by a specialist waste consultant was submitted with the application.
- An adequate erosion and sediment control plan was submitted with the application.
- The application provides for adequate stormwater management and will not impact upon the flood liability of any nearby properties.
- A condition relating to the reflectivity of external materials will be included within the recommendation.

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Residential Development Controls

Housing Choice, Affordability & Mix

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

Apartment Size	DCP 2007	Proposed
Studio & 1 bedroom	min 10% max 25%	20.4%
2 bedroom	max 75%	69.4%
3 bedroom	min 10%	8.2%

10% of the entire residential component are adaptable units have been provided as part of the development, which complies with the requirements of DCP2007. Adequate parking facilities and access for people with disabilities have also been provided within the building. No objection is raised to the proposed variation to the unit mix.

Noise, Vibration & Electrolysis

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

POLICIES

PUBLIC DOMAIN GUIDELINES

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

- Establish a clear and consistent public domain image for Parramatta

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

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

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

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

Arts Plan

An Arts Plan was submitted with the application. This has been addressed in detail earlier in this report.

PARRAMATTA CITY CENTRE – LANES STRATEGY

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

It is considered that this laneway has been appropriately addressed within the design of the proposed development. The void ground level foyer opens on the lane way enabling casual surveillance. A footpath commensurate with the width of the existing footpath is to be maintained enabling access from Phillip Street to Parramatta River Foreshore.

S94A DEVELOPMENT CONTRIBUTIONS PLAN – PARRAMATTA CITY CENTRE

The proposal requires the payment of S94A development contributions (3% levy) based upon the estimated cost of works. A condition requiring the payment of [\\$439,027.80389323-05](#) has been incorporated within the Recommendation section of this report.

PLANNING AGREEMENTS

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

REGULATIONS

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

LIKELY IMPACTS

Urban Design

Details of the architectural design and elements of the proposal, and compliance with Council's City Centre LEP and DCP have been discussed within this report. Although there is a minor variation to the FSR and building separation requirements of LEP 2007, it is considered that the proposal is suitable for the site and does not adversely impact upon the streetscape or public domain. The proposed development achieves the planning objectives of Parramatta City Centre LEP 2007 and achieves substantial compliance with the numeric controls and intent of the DCP and Residential Flat Design Code.

Heritage Impacts

The subject site has a listed heritage item and is in the vicinity of a heritage item within Phillip Street. The heritage impacts of the proposed development have been discussed within this report.

Landscaping, Tree Removal, Flora and Fauna

Two trees will be removed for this development application. The landscape plan submitted has been completed in accordance with Council requirements.

Access, Traffic & Parking

These matters have been discussed in detail within this report.

Disabled Access

The application provides for access and parking provision for people with disabilities. 10% of the residential component, are adaptable units. Details of compliance with AS1428 will need to be demonstrated prior to the issue of a Construction Certificate.

Utilities/Infrastructure

The proposed use will impact upon some existing utilities and public infrastructure. Conditions will be imposed requiring the developer to consult with utility providers as to the requirements for this development.

Building Code of Australia

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

Impacts during Construction

Noise and vibration are expected during the construction of the development. A condition of consent restricts the working hours and noise levels during construction works to protect the amenity of the surrounding area, as well as a Traffic & Construction Management Plan.

Security by Design

The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The commercial and common area components along Phillip Street, George Khattar Lane and the river foreshore reserve and location of habitable windows facing the street on assists in activating the street and providing natural surveillance.

Soil Management

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

Social & Economic Impact

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

ESD & The Cumulative Impact:

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

SUITABILITY OF THE SITE

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

SUBMISSIONS & PUBLIC INTEREST

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

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

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

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Conclusion

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions,

the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

APPROVAL SUBJECT TO CONDITIONS

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

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

AND

That the Western Sydney Joint Regional Planning Panel, as the consent authority, being satisfied that the variation under Clause 24 of Parramatta Local Environmental Plan 2007 is supportable and that granting consent to Development Application DA/587/2012 is consistent with the aims of the LEP, grant consent to Development Application No. DA/587/2012 for alterations to a Heritage Building, including demolition, tree removal and construction of a 13 storey mixed use development comprising of 49 apartments, and a ground floor cafe over 3 levels of basement carparking with strata subdivision on land at 64- 68A Phillip Street, Parramatta as shown on approved plans, for a period of five (5) years from the date on the Notice of Determination subject to the following conditions:

General Matters:

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

Drawing N ^o	Dated
Site Plan DA1.01	10/9/12
Demolition Plan DA2.01	10/9/12
Driveway Section DA2.02	10/9/12
Basement Level 2 Floor Plan 3.01	10/9/12
Basement Level 1 Floor Plan DA 3.02	10/9/12
Lower Ground/Basement Level Floor Plan DA3.03-2	17/10/12
Ground Level Floor DA3.04-3	15/3/13
Upper Ground Level Floor Plan DA3.05	10/9/12
Levels 1 & 5 Floor Plan DA3.06	10/9/12

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Drawing N ^o	Dated
Levels 2 & 7 Floor Plan DA3.07-2	15/3/13
Levels 3, 7 & 9 Floor Plan DA3.08-2	15/3/13
Levels 4, 6 & 10 Floor Plan DA3.09	10/9/12
Level 11 Floor Plan DA3.10	10/9/12
Level 12 Floor Plan DA3.11	10/9/12
Roof Plan DA3.12	10/9/12
Section AA DA5.01-2	17/10/12
Section BB DA5.02	10/9/12
Section CC DA 5.03-2	15/3/13
North Elevation DA 6.01	10/9/12
East Elevation DA 6.02-2	15/3/13
South Elevation DA 6.03	10/9/12
West Elevation DA 6.04-2	15/3/13
Shadow Diagrams – Winter Solstice 9am 12pm & 3pm DA_7.01	10/9/12
Landscape Plan ISO1114DA1 – DA4	September 2012
Proposed Strata Plan Ref 32023/DS	Undated
Montage SK 35	10/9/12
Area Plans SK026	15/3/13
Undercroft for Flood Storage SK 036A	30/4/13
DA 02B Stormwater Drainage Plans Ref 10AH492	July 2012
DA 03A Stormwater Drainage Plans Ref 10AH492	July 2012
DA 04A Stormwater Drainage Plans Ref 10AH492	July 2012
DA 05B Stormwater Drainage Plans Ref 10AH492	July 2012
DA 06A Stormwater Drainage Plans Ref 10AH492	July 2012
DA 07A Stormwater Drainage Plans Ref 10AH492	July 2012
Lot 3 Plan and Section SK033	23/4/13

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Document N ^o	Dated
Arts Plan prepared by Yaama Ganu Arts Centre and Darug Custodian Aboriginal Corporation	8 Nov 2012
Aboriginal Archaeological Heritage Assessment, prepared by Dominic Steele Consulting Archaeology	23 September 2012
ABSA Certificate No 9812	2 Sept 2012
ILC Access Report	Sept 2012
Baselint Historical Archaeological Advice prepared by Archaeological and Heritage Management Solutions Pty Ltd (AHMS)	Nov 2011
Basix Certificate number: 438138M_02	24 Sept 2012

Document N ^o	Dated
Arts Plan prepared by Yaama Ganu Arts Centre and Darug Custodian Aboriginal Corporation	8 Nov 2012
Building Code of Australia overview Reference: BCA report 2 - 66-68 Phillip St, Parramatta prepared by Michael Wynn-Jones & Associates	8 September 2012
Conservatiion Management Plan prepared by Planning Direction Pty Ltd	Sept 2012
Flood Risk Management Plan for Proposed Residential Development: 10AH492.FRMP6 and Flood Storage Plan Prepared by Australian Consulting Engineers Pty Ltd	13 June 2013
Geotechnical Invesitgation prepared by Douglas Partners Project 72590	Nov 2011
Statement of Heritage Impact prepared by Achnex Designs	Nov 2011
Preliminary Environmental Site Assessment prepared by Aargus Australia Ref ES 4453	Aug 2011
Quantity Survey Report Indicative Budget Assessment prepared by Construction Consultants	10 Sept 2012
Assessment of Parking and Traffic Implications prepared by Transport and Traffic Planning Associates Ref 11103	Aug 2012
Statement of Environmental Effects prepared by Planning Direction Pty Ltd	Sept 2012
SEPP 65 Assessment Report prepared by Jones Sonter Pty Ltd	7 Sept 2012
Waste Management Plan prepared by Leigh Design	15 October 2012

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Note: In the event of any inconsistency between the architectural plan(s) and the landscape plan(s) and/or stormwater disposal plan(s) (if applicable), the architectural plan(s) shall prevail to the extent of the inconsistency.

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

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~~4. The residential foyers on each floor are to be constructed so as to enable enclosure to protect the foyers from the effects of weather.~~

~~Reason: To ensure an appropriate amenity for residents.~~

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~~5. In accordance with the Jury decision of the Design Excellence Competition, a detailed Schedule of Finishes is to be submitted indicating High quality precast that is well detailed with expressed joints and high quality metal cladding to the fin element is key to the design excellence.~~

~~Reason: To ensure design excellence.~~

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6.2. The development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including gates and doors

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during opening and closing operations, shall encroach upon Council's footpath area.

Reason: To ensure no injury is caused to persons.

7.3. No portion of the proposed structure including any fencing and/or gates shall encroach onto or over adjoining properties.

Reason: To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

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8.4. 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.

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9.5. All footings and walls adjacent to a boundary must be set out by a registered surveyor. Prior to commencement of any brickwork or wall construction a surveyor's certificate must be submitted to the Principal Certifying Authority indicating the position of external walls in relation to the boundaries of the allotment.

Reason: To ensure that the building is erected in accordance with the approval granted and within the boundaries of the site.

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10.6. 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.

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11.7. 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.

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

Reason: To ensure satisfactory stormwater disposal.

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

Reason: To comply with Council requirements.

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10. Prior to commencement of any excavation work on council's road, nature strip or concrete footpath, a Road Opening Permit shall be obtained from council

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by lodging the application for a Road Opening Permit. Upon completion of the work, the road, the nature strip, and concrete footpath shall be reinstated to its original state to the satisfaction of Council.

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

11. 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

12. Trees to be removed are:

Tree No	Name	Common Name	Location
1x	<i>Callistemon salignus</i>	White Bottlebrush	Located within the proposed building platform
1x	<i>Melia azederach</i>	White Cedar	Located within the proposed building platform

Prior to the release of a Construction Certificate:

12.13. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street. Details shall be illustrated on plans submitted with the construction certificate

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

14. Security doors to the apartment lift lobbies shall be provided. Doors should be provided close to the building line to avoid deep recessed spaces and discourage anti social behaviour. Details shall be illustrated on plans submitted with the construction certificate

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

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

Reason: -To ensure satisfactory stormwater disposal.

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~~9. If no retaining walls are marked on the approved plans no approval is granted as part of this approval for the construction of any retaining wall that is greater than 600 mm in height or within 900 mm of any property boundary.~~

~~Reason: To minimise impact on adjoining properties.~~

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~~10. Occupation of any part of footpath or road at or above (including construction and/or restoration of footpath and/or kerb or gutter) during construction of the development shall require a Road Occupancy Permit from Council. The applicant is to be required to submit an application for a Road Occupancy Permit through Council's Traffic and Transport Services, prior to carrying out the construction/restoration works.~~

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

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~~2. Prior to commencement of any excavation work on council's road, nature strip or concrete footpath, a Road Opening Permit shall be obtained from council by lodging the application for a Road Opening Permit. Upon completion of the work, the road, the nature strip, and concrete footpath shall be reinstated to its original state to the satisfaction of Council.~~

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

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~~3. 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.~~

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~~4.15. 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.

Reason: To ensure adequate engineering civil works.

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5-16. 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:

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(a) Construction Management Plan for the Site

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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.*

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(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.*

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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:

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- 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

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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:

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- 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.

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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.

6-17. Where any shoring is to be located on or is supporting Council's property, or any adjoining private property, engineering drawings certified as being adequate for their intended purpose prepared by an appropriately qualified and practising structural engineer, showing all details, including the extent of encroachment and the method of removal and de-stressing of shoring elements, shall be submitted with the Construction Certificate. A copy of this documentation must be provided to the Council for record purposes. Any recommendations made by the qualified practising structural engineer shall be complied with.

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

7-18. 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.

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Reason: -To ensure appropriate vehicular access is provided.

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8-19. 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).

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

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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.

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

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

9-20. 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; must preserve and protect the building from damage; and if necessary, must underpin and support the building in an approved manner. At least 7 days before excavating 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 must 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 and submit to the Principal Certifying Authority details of the date and manner by which the adjoining owner(s) were advised.

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Reason: To control excavation procedures.

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10-21. 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.

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

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~~11.22.~~ In order to maximise visibility in the basement carpark, the ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.

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Reason: To protect public safety.

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~~12.23.~~ 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.

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

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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/587/2012;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

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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.

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Bonds shall be provided as follows:

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Hoarding \$~~20,000~~ (~~see Schedule of Fees and charges (\$2500-\$10,000 per street frontage in 2012/2013 financial year)~~)

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

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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~~) 40,000-

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

~~13.24.~~ 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 as well as adjoining private properties.

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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.

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~~14.25.~~ 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.

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The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to the issue of any Construction Certificate and works commencing on site.

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

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Advisory note: -For Quick Check agent details please refer to the website www.sydneywater.com.au – see Building and Developing – then Quick Check or telephone 13 20 92. For Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing - then Building and Renovating or telephone 13 20 92.

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~~15. A copy of the report prepared by Dominic Steele Consulting Archaeology titled Aboriginal Archaeological Assessment & AHIP Application, 66-68 Phillip Street, Parramatta, NSW dated 23 September 2012 be forwarded to the NSW Office of Environment and Heritage (OEH) in support of an application for an Aboriginal Heritage Impact Permit (AHIP) under Section 90A of the National Parks and Wildlife Act 1974 to carry out archaeological investigations and recording of Phillip Street PAD 1 site in prior to the release of the Construction Certificate.~~

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~~16. A Public Notice for the redevelopment proposal be placed in the print media in accordance with the DECCW 2010 Aboriginal Cultural Heritage Consultation Requirements for Proponents, Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, and Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, prior to the release of the Construction Certificate.~~

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17.26. The procedures for the registration of expressions of interest and document dissemination for review and comment are undertaken in accordance with the above guidelines prior to the finalisation of report prepared by Dominic Steele Consulting Archaeology titled Aboriginal Archaeological Assessment & AHIP Application, 66-68 Phillip Street, Parramatta, NSW dated 23 September 2012 and submission of the AHIP to the OEH, prior to the release of the Construction Certificate.

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18. Trees to be removed are:

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Tree No	Name	Common Name	Location
1x	<i>Callistemon salignus</i>	White Bottlebrush	Located within the proposed building platform
1x	<i>Melia azederach</i>	White Cedar	Located within the proposed building platform

19. 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.

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

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20. 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.

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

21. 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.

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- Reason: To ensure restoration of environmental amenity.

Prior to the release of a Construction Certificate:

22.27. The following information shall be addressed on the architectural and/or engineering plans as required prior to the issue of the Construction Certificate:

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- (i) The proposed basement flood gate needs to operate to address both riverine and local flow inundations. Information and details addressing this issue shall be submitted prior to the Construction Certificate.
- (i) The exhaust ducts for basement mechanical ventilation are to be located above the PMF level, to be addressed on architectural plans.
- (ii) The “power outlets and electrical equipment are not to be placed or stored in the basement car parks.
- (iii) The installation of a basement flood gate shall indicate the type of gate, its mode of operation, how its closure is to be triggered to account for both riverine and Phillip Street regime flooding, its height when raised, its installation details and its long term maintenance requirements, etc
- (iv) —The emergency management plan requirements should be reflected in the project architectural plans.

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23-28. The site stormwater discharge shall be connected to the stormwater grated pit in Phillip Street as indicated on the drainage plan dwg No. DA05 Rev B dated 20/08/12 prepared by Australian consulting Engineers P/L. The following engineering shall be addressed on the architectural and/or engineering plans as required prior to the issue of the Construction Certificate to the satisfaction of the Principal Certifying Authority :

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- (i) The proposed basement flood gate needs to operate to address both riverine and local flow inundations. Information and details addressing this issue shall be submitted prior to the Construction Certificate.
- (ii) The exhaust ducts for basement mechanical ventilation are to be located above the PMF level; this matter is to be addressed on the architectural plans.
- (iii) The installation of a basement flood gate shall indicate the type of gate, its mode of operation, how its closure is to be triggered to account for both riverine and Phillip Street regime flooding, its height when raised, its installation details and its long term maintenance requirements are to be addressed in the engineering submission prior to Construction Certificate.
- (iv) The emergency management plan requirements should be reflected in the project architectural plans.

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Reason: To ensure satisfactory storm water disposal.

24-29. In order to make satisfactory arrangements for the operation of the stormwater pump-out system, the system shall be designed and constructed to ensure the following are provided:

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- (a) A holding tank (minimum 6.0m³) capable of storing the run-off from a 100 year ARI - 2 hour duration storm event allowing for pump failure.

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(b) Two pump system (on alternate basis) capable of emptying the holding tank at a rate equal to the lower of :

- i. The permissible site discharge (PSD) rate; or
- ii. The rate of inflow for the one hour, 5 year ARI storm event.

(c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.

(d) A 100 mm freeboard to all parking spaces.

(e) Submission of full hydraulic details and pump manufacturers specifications.

(f) Pump out system to be connected to a stilling pit or into the on-site detention tank above the 1:100year flood level then via a gravity line before discharge to the street gutter.

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

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Reason: To ensure satisfactory storm water disposal.

~~25-30.~~ 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.

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~~(b)31.~~ No work shall start on the storm water system until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:

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

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Note: *-The reference 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
 - 11. The design achieves a Site Storage Requirement of 470 m³/ha and a Permissible Site Discharge of 80 L/s/ha (as per 3rd edition of UPRCT's handbook).
 - 12. When using the Extended/Flood detention method (4th edition of UPRCT's handbook), the Site Reference Discharge (Lower Storage), SRD_L of 40 l/s/ha, Site Storage Requirement (Lower Storage) SSR_L of 300 m³/ha and Site Reference Discharge (Upper Storage), SRD_U of 150 l/s/ha, Site Storage Requirement (Total) SSR_T of 455m³/ha as per the submitted OSD calculation.
 - 13. The on-site detention tank shall be certified to be structurally adequate.
 - 14. The drainage engineer shall ensure that there is no backflow from the street stormwater system into the site stormwater system.

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.

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~~32. Revised plans indicating compliance with the following traffic related matters are to be submitted to the satisfaction of the PCA before the issue of the Construction Certificate:~~

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~~26. Revised plans indicating compliance with the following traffic related matters are to be submitted to the satisfaction of the PCA before the issue of the Construction Certificate:~~

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(i)a) 43 off-street parking spaces (including 2 disabled parking spaces) are to be provided, permanently marked on the pavement and used accordingly, as shown on the submitted DA plans. 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 6m aisle width) as shown on the submitted DA plans. At blind aisle, the aisle is extended by 1m beyond the last parking space, as shown on the submitted DA plans.

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(ii)b) 10 bicycle spaces/racks are to be provided on-site and used accordingly.

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~~(iii)~~c) The dimensions and configuration of the disabled parking spaces are to comply with AS_2890.6—2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space), as shown on the submitted DA plans.

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~~(iv)~~a) A combined entry and exit driveway off George Khattar Lane (6m wide with 300mm clearance both sides between kerbs), as shown on the DA plans, to be provided and constructed according to AS 2890.1- 2004 and Council's specification.

~~(v)~~b) Driveway gradients are to comply with Clause 2.5 and Clause 3.3 of AS_2890.1—2004.

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~~(vi)~~a) The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8).

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~~(vii)~~a) Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS_2890.1—2004.

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~~(viii)~~a) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS_2890.1—2004.

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~~(ix)~~a) 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 AS_2890.1. 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.

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~~(x)~~a) 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.

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~~27.~~33. An *Environmental Enforcement Service Charge* is to be paid to Council prior to the issue of a construction certificate. The fee paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

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

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~~28.~~34. 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.

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35. The residential foyers on each floor are to be constructed so as to enable enclosure to protect the foyers from the effects of weather.

Reason: To ensure an appropriate amenity for residents.

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36. In accordance with the Jury decision of the Design Excellence Competition, a detailed Schedule of Finishes is to be submitted indicating High quality precast that is well detailed with expressed joints and high quality metal cladding to the fin element is key to the design excellence.

Reason: To ensure design excellence.

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37. _____ A monetary contribution comprising \$439 027389 323.8095 is payable to Parramatta City Council pursuant to Section 94A of the Environmental Planning and Assessment Act, 1979 and the Parramatta City Centre Civic Improvement Plan. Payment must be by cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

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

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38. 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.

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39. 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.

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40. A copy of the report prepared by Dominic Steele Consulting Archaeology titled Aboriginal Archaeological Assessment & AHIP Application_66-68 Phillip Street, Parramatta, NSW dated 23 September 2012 be forwarded to the

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NSW Office of Environment and Heritage (OEH) in support of an application for an Aboriginal Heritage Impact Permit (AHIP) under Section 90A of the National Parks and Wildlife Act 1974 to carry out archaeological investigations and recording of Phillip Street PAD 1 site in prior to the release of the Construction Certificate.

41. A Public Notice for the redevelopment proposal be placed in the print media in accordance with the DECCW 2010 Aboriginal Cultural Heritage Consultation Requirements for Proponents, Code of Practice for Archaeological Investigation of Aboriginal Objects in NSW, and Due Diligence Code of Practice for the Protection of Aboriginal Objects in NSW, prior to the release of the Construction Certificate.

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

(a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or

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

Note: A certificate issued by an approved insurer under Part 6 of the Home Building Act 1989 that states that a person is the holder of an insurance policy issued for the purpose of that Part is, for the purposes of this clause, sufficient evidence that the person has complied with the requirements of that Part.

Reason: To comply with the Home Building Act 1989.

~~33-43.~~ Prior to the issue of a construction certificate a further report including accompanying plans shall be submitted to the satisfaction of the Principal Certifying Authority that provides details of the private contractor that will be engaged to collect domestic and commercial waste from the site. If Council is not the principal certifying authority a copy of this report and accompanying plans is required to be provided to Council. This report shall identify the frequency of collection and provide details of how waste products including paper, aluminium cans, bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.

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

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~~34.44.~~ Separate waste bins are to be provided on site for recyclable waste. The specific number of bins shall be determined in consultation with Council's Public Health Protection Officer.

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

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~~35-45.~~ Prior to the release of the Construction Certificate design verification is required to be submitted from a qualified designer to confirm the development is in accordance with the approved plans and details and continues to satisfy the design quality principles in State Environmental Planning Policy No-65. Design Quality of Residential Flat Development.

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

Reason: To comply with the requirements of SEPP 65.

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~~36.~~ ~~A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at <http://www.sydneywater.com.au> then the "e-developer" icon or telephone 13-20-92.~~

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

~~**Reason:** Statutory requirement.~~

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~~37-46.~~ The existing Sydney Water sewer lines traversing through the development site shall be relocated to enable the basement construction. In this regard the approved plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whether the development will affect Sydney Water's sewer and water mains, storm water drains and/or easements, and if further requirements need to be met. Plans will be appropriately stamped. For

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Quick Check agent details please refer to the web site www.sydneywater.com.au see Your Business then Building and Developing then Building and Renovating or telephone 13 20 92. The Principal Certifying Authority must ensure the plans are stamped by Sydney Water prior to works commencing on site.

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

38. 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:

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47.

(a) Construction Management Plan for the Site

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

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- 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.

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

- ~~i.~~
- iii. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,

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- ~~iv.~~ ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.

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

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Where applicable, the plan must address the following:

- ~~iv.~~ i. Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- ~~v.~~ 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.
- ~~vi.~~ iii. Minimising construction related traffic movements during school peak periods,

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~~39.~~48. 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.

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~~40.~~49. In order to maximise visibility in the basement carpark, the ceiling shall be painted white. This requirement shall be reflected on the Construction Certificate plans.

Reason: To protect public safety.

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~~41.~~50. Any exhaust ventilation from the car park is to be ventilated in accordance with the provisions of AS1668.1. Details demonstrating compliance are to be provided with the Construction Certificate.

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

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~~42.~~51. The proponent shall submit to the Principal Certifying Authority and Council, a Construction Noise Management Plan prior to the issue of the construction certificate as described in the NSW Department of Environment, Climate Change and Water Interim Noise Construction Guidelines 2009. The Construction Noise Management Plan must describe in detail the methods that will be implemented during the construction phase of the project to minimise noise impacts on the community.

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The Construction Noise Management Plan must include:

- ~~1.~~1. Identification of nearby residences and other sensitive land uses
- ~~2.~~2. Assessment of expected noise impacts
- ~~3.~~3. Detailed examination of feasible and reasonable work practices that will be implemented to minimise noise impacts
- ~~4.~~4. 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

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- 43-52.** ——— The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Principal Certifying Authority with the construction certificate.
- Note:** The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement).
- Reason:** To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.
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- 44-53.** Council property adjoining the construction site must be fully supported at all times during all excavation and construction works. Details of shoring, propping and anchoring of works adjoining Council property, prepared by a qualified structural engineer or geotechnical engineer, must be submitted to and approved by the Principal certifying Authority (PCA), before the commencement of the works. A copy of these details must be forwarded to Council. Backfilling of excavations adjoining Council property or any void remaining at completion of construction between the building and Council property must be fully compacted prior to the completion of works.
- Reason:** To protect Council's infrastructure.
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- 45-54.** Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standards 2890.1 – 2004 “Off street car parking”. Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.
- Reason:** To ensure that parking spaces are in accordance with the approved development.
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- 46-55.** The Applicant will be required to resubmit to Council the plan with all additional documentation as required by and to the satisfaction of Council’s Public Arts Officer that details the realisation of the Arts Plan through design concepts, evidence of managed EOI process, construction documentation and project management prior to issue of the construction certificate.
- Reason:** To ensure an appropriate Arts Plan is submitted.
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- 47-56.** A Public Domain Plan in accordance with the Parramatta City Council’s Public Domain Guidelines is to be submitted to the satisfaction of Council before the issue of a Construction Certificate.
- Notes:**
- The plan shall clearly indicate site levels, elevations and sections (where necessary) as well as explanation of all materials, paving types etc and to include:
- (a) Materials and finishes of all paved areas/hard surfaces/footpaths around the perimeter of the building in accordance with the requirements of the relevant Council
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public domain policy for the City Centre and the relevant design standards;

(b) Location, numbers, spacing and types of street trees in accordance with Council's street tree policy for the city centre;

(c) Street tree planting specifications;

(d) Street lighting should be provided to Argus Lane to meet AS/NZS_1158.1 Part 1 Vehicular traffic (Category V) lighting – performance and design requirements. The recommended light fitting is 12vdc Green Street Light fitting with lamp to meet P2 category for pedestrians along the laneway. The pole is to be INGAL GPS.

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Reason: To improve the public domain.

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48-57. Access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building are to be provided. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the Building Code of Australia Part D3 "Access for People with Disabilities", provisions of the Disability Discrimination Act 1995, and the relevant provisions of AS_1428.1 (2001) and AS_1428.4.

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

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49-58. Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS_1428.1 (2001) - Design for Access and Mobility - General Requirements for Access - New Building Work. This requirement shall be reflected on the Construction Certificate plans.

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

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50-59. Signs incorporating the international symbol of access for disabled persons must be provided to identify each accessible:

51. entrance

52. lift or bank of lifts; and

53. 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.

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- 54-60. The development shall be undertaken in strict accordance with the findings and recommendations contained in the Heritage Impact Assessment Report dated September 2012 prepared by Archnex Designs unless expressly identified in any other condition of consent.

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- 55-61. A Conservation Management Plan, is required to be submitted to Council to the satisfaction of Council's Heritage Officer prior to the release of the Construction Certificate.

Reason: To ensure to protection of the heritage items on the site.

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- 56-62. 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 he issue of the Construction Certificate.

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

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- 57-63. Temporary dewatering above 3ML may require a water licence to be obtained from the Office of Water before construction commences This matter is to be addressed prior to the release of the Construction Certificate

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- 58-64. The proposal must not incorporate permanent or semi permanent pumping of groundwater seepage from below ground areas. A fully tanked structure must be provided. Details are to be provided prior to the release of the Construction Certificate

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- 59-65. During the works, the applicant shall fulfil any requirements for archaeological survey as per the conditions of consent to the Application under the S.140 of the Heritage Act, issued by the NSW Heritage Branch of Department of Planning. The applicant shall implement any archaeological watching brief as required by the conditions of consent to the Application under the S.140 of the Heritage Act, issued by the NSW Heritage Branch of Department of Planning

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Prior to Commencement of Works:

- 60-66. A pedestrian and Traffic Management Plan must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of demolition and/or excavation. It must include details of the:

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

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Reason: To maintain pedestrian and vehicular safety during construction

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~~61-67.~~ 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.

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

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~~62-68.~~ Prior to commencement of any works, including demolition and excavation, the applicant is to submit to the Principal Certifying Authority (and Council if not the PCA) of documentary evidence including photographic evidence of any existing damage to Council's property. Council's property includes footpaths, kerbs, gutters and drainage pits.

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Reason: To ensure that the applicant bears the cost of all restoration works to Council's property damaged during the course of this development

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~~63-69.~~ 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.

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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.

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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.

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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.

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Reason: Management of records.

~~64-70.~~ 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:

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~~132.~~ 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.

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~~133.~~ 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.

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~~134.~~ 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).

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~~135.~~ The existing groundwater levels in relation to the basement structure, where influenced.

~~136.~~ 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.

~~137.~~ 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.

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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

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specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- 65.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.
- 66.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.
- 67.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.
- 68.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.
- 69.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.
- 70.vi. An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table CI of AS 2870-1996.

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

- 71. 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:

- 72. all existing buildings are to be secured and maintained to prevent unauthorised access and vandalism
- 73. all site boundaries are to be secured and maintained to prevent unauthorised access to the site
- 74. all general refuse and/or litter (inclusive of any uncollected mail/advertising material) is to be removed from the site on a fortnightly basis
- 75. the site is to be maintained clear of weeds
- 76. 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.

- 77.72. 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.

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78-73. 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.

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The hoarding is required to protect persons from construction or demolition works and no works can commence until approval for the hoarding has been obtained. Hoardings in the City Centre Local Environmental Plan area must also address the "Parramatta First - Marketing the City Brand". Details on policy compliance and brand marketing can be obtained by contacting Council's Construction Services on 02 9806 5602.

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

79-74. 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.

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

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

80-75. Prior to commencement of work, the person having the benefit of the Development Consent and a Construction Certificate must:

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- (a) appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and
- (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

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The PCA must determine when inspections and compliance certificates are required.

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Reason: To comply with legislative requirements.

81-76. Prior to work commencing, adequate toilet facilities are to be provided on the work site prior to any works being carried out.

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Reason: To ensure adequate toilet facilities are provided.

82-77. The site must be enclosed with a 1.8m high security fence to prohibit unauthorised access. The fence must be approved by the Principal Certifying Authority and be located wholly within the development site prior to commencement of any works on site.

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Reason: To ensure public safety.

83-78. 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:

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- (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.

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Reason: Statutory requirement.

~~84.A Pedestrian and Traffic Management Plan must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of demolition and/or excavation. It must include details of the:~~

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

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

~~85. Prior to commencement of works the applicant shall advise Council in writing, of any existing damage to Council property. A dilapidation survey of Council's assets, including photographs and written record, must be prepared and submitted to the Principal Certifying Authority and Council (if Council is not the PCA) prior to the commencement of works; failure to identify any damage to Council's assets will render the applicant liable for the costs associated with any necessary repairs.~~

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

~~86.79. 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:~~

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

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- 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.

87-80. If development involves excavation that extends below the level of the base, of the footings of a building on adjoining land, the person having the benefit of the development consent must, at the persons own expense:

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

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

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

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During Construction or Works:

88-81. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development.

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

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89-82. The vehicular entry/exits to the site within Council's road reserve must prevent sediment from being tracked out from the development site. This area must be laid with a non-slip, hard-surface material which will not wash into the street drainage system or watercourse. The access point is to remain free of any sediment build-up at all times.

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

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90-83. 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.

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~~91-84.~~ 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:

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(a) On-street mobile plant:

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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

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~~92-85.~~ 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.

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Reason: To provide satisfactory drainage.

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~~93-86.~~ 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.

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Reason: To ensure compliance with this consent.

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94-87. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.

Reason: To protect the amenity of the area.

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95-88. 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.

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96-89. 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.

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97-90. 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.

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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.

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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.

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Reason: To protect the amenity of the area.

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98-91. The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall record, but not necessarily be limited to:

- (a) The date and time of the complaint;
- (b) The means by which the complaint was made;
- (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;
- (d) Nature of the complaints;

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- (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.

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~~99-92.~~ 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.

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Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2005 are met.

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~~100-93.~~ 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.

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Reason: Protection of existing environmental infrastructure and community assets.

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~~101-94.~~ 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.

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Reason: To protect public safety.

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~~102-95.~~ 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:

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(a) On-street mobile plant:

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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.

~~103.96.~~ All trees planted within the site must have an adequate root volume to physically and biologically support the tree. No tree within the site is to be staked or supported at the time of planting.

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

~~104.97.~~ Any remediation works shall be carried out in accordance with clauses 17 and 18 of State Environmental Planning Policy 55 - Remediation of Land.

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

~~105.98.~~ 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.

~~106.99.~~ The applicant is to notify Council in writing thirty (30) days before the commencement of any remediation work.

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

~~107.100.~~ A survey certificate is to be submitted to the Principal certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.

Reason: To ensure the development is being built as per the approved plans.

101. All Tree removals shall be carried out by a qualified Arborist and conform to the provisions of AS 4373—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.

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102. 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.

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Prior to the issue of an Occupation Certificate:

108-103. The final report of the flood emergency response shall be amended to address the followings prior to the release of the Occupation Certificate to the satisfaction of the Principal Certifying Authority:

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109-i) Provide information on the flood compatible materials which "shall be used for construction.

110-ii) The flood emergency response, the report is to address the role of the property manager and the required actions in case of flood. The drawings of the flood evacuation plan are to be comprehensively addressed prior the release of the final report.

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111-iii) The report shall indicate that the 'FLOOD ESCAPE ROUTE' arrow from the basement shall be directed to the upper floors above the flood level rather than to the street through the ramp which will be affected by Flood.

112-iv) The power outlets and electrical equipment are not to be placed or stored in the basement car parks.

v) The report is to address the disabled car spaces provided at the Lower Ground/Basement level during flood events.

vi) The final Flood Risk Management Plan/report shall be elaborate on the report dated 13/06/2013 prepared by Australian consulting Engineers P/L, and be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate.

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

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A copy of the report shall be provided to Council for record keeping purposes.

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

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114-104. 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.

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115-105. 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

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completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:

~~116.~~ 116. 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.

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~~117.~~ 117. The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.

~~118.~~ 118. As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses volume table).

~~119.~~ 119. OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).

~~120.~~ 120. Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).

~~121.~~ 121. Approved verses installed Drainage Design (OSD) Calculation Sheet.

~~122.~~ 122. 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.

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~~123.~~ 106. 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 open area of the site located below the 100 year ARI flood level (RL 5.85m) and must prevent the placement of any additional structures, additional 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.

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Reason: To protect the environment

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~~124.~~ 107. 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:

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~~85.~~ (a) compare the post-construction dilapidation report with the pre-construction dilapidation report, and

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~~86.~~ (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

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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.

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~~125-108.~~ 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.

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~~126.~~ An amended Flood Risk Management Plan shall be prepared addressing the following issues to the satisfaction of the Principal Certifying Authority:

~~21.~~ The provision of information on the flood compatible materials which shall be used for construction.

~~22.~~ The flood emergency response report is to address the role of the property manager and the required actions in case of flood. The drawings of the flood evacuation plan are to be comprehensively addressed prior the release of the final report.

~~23.~~ The report shall indicate that the 'Flood-Escape-Route' arrow from the basement shall be directed to the upper floors above the flood level rather than to the street through the ramp which will be affected by Flood.

~~24.~~ The power outlets and electrical equipment are not to be placed or stored in the basement car parks.

~~25.~~ The report is to address the location of the disabled car spaces provided at the Lower Ground/Basement level during flood events.

~~127.~~ The final Flood Risk Management Plan/report shall be elaborate on the report dated 13/06/2013 prepared by Australian consulting Engineers P/L, then submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be provided to Council for record keeping purposes. The report shall incorporate an effective evacuation process and procedure for egress both from the site in the early stages of a storm to upper floor evacuation during the peak of storm events.

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

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~~128-109.~~ 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.

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

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~~129. A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan under section 37 of the Strata Schemes (Freehold Development) Act 1973.~~

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~~Reason: To comply with the Strata Schemes (Freehold Development) Act 1973~~

~~130.110.~~ 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.

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

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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.

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

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

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~~131.111.~~ An application for street numbering shall be lodged with Council for approval, prior to the issue of a Subdivision Certificate, which ever occurs first.

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Note: Notification of all relevant authorities of the approved street numbers shall be carried out by Council.

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Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.

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~~132. A street number is to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.~~

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~~Reason: To ensure a visible house number is provided.~~

~~133.112.~~ The developer shall submit to the Principal Certifying Authority a letter from the telecommunications company confirming that satisfactory arrangements have been made for the provision of telephone and cable

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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.

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434.113. 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. 438138M-02 dated 24 September 2012 will be complied with prior to occupation.

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

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435.114. Prior to the issue of any Occupation Certificate, the developer is to provide evidence that satisfactory arrangements with a telecommunications provider have been made and implemented where required at no cost to Council for the provision of broadband access to the development.

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

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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

436.115. Occupation or use, either in part of 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.

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

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437.116. 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.

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The record must include details of:

- (a) the development application and Construction Certificate number;
- (b) the address of the property at which the inspection was carried out;
- (c) the type of inspection;
- (e) the date on which it was carried out;

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

~~138~~117. 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.

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~~139~~118. The landscaping shall be completed in accordance with the consent and approved plans, prior to occupation or use of the premises and shall be maintained at all times.

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

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~~140.~~ A Notification Agreement outlining the electrical construction requirements and associated fees shall be obtained from an energy provider prior to the release of the linen plans.

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

~~119.~~ Submission of a letter confirming satisfactory arrangements have been made for the provision of electricity services from Endeavour Energy or an approved electricity provider.

Reason: To ensure appropriate electricity services are provided.

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~~141~~120. A Section 73 Compliance Certificate under the Sydney Water Act 1994 must be obtained. Application must be made through an authorised Water Servicing Coordinator. Please refer to "Your Business" section of Sydney Water's web site at www.sydneywater.com.au then the "e-developer" icon or telephone 13 20 92.

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~~142.~~

The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the issue of an Occupation Certificate.

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

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~~143~~121. An effective evacuation report and procedure shall be prepared by an appropriate consulting engineer. The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be provided to Council for record keeping purposes. The report shall incorporate an effective evacuation process and procedure for egress both from the site in the early stages of a storm to upper floor evacuation during the peak of storm events. Suitable warning signs with evacuation routes lift access restrictions and other flood warning systems shall be installed for the basement levels to warn and prevent people from

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going into basements in the event that water starts to overtop the ramp threshold and flood the basement.

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

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~~144.122.~~ All works approved within the Public Domain Plan are to be carried out to Council's satisfaction before the issue of an Occupation Certificate.

Reason: To ensure public domain works are complete.

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~~145.123.~~ The artworks (Arts/Interpretation Plan) are to be installed to the satisfaction of Council prior to the issue of the occupation certificate.

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

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~~146.124.~~ Prior to the issue of any occupation certificate, evidence that a waste collection service contractor has been engaged to service the site shall be submitted to the satisfaction of the PCA.

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

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~~125. 127A.~~ 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.

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~~126.~~ A single antennae for the purpose of receiving television signals and a single satellite dish for the purpose of receiving satellite signals shall be installed for the entire building and not affixed to balconies or walls of individual units, and shall not be visible from any frontage.

Reason: To ensure the amenity of the area.

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Prior to the Issue of the Subdivision Certificate

~~127.~~ A separate application must be made to Council or an accredited certifier to obtain approval of the strata plan under section 37 of the *Strata Schemes (Freehold Development) Act 1973*.

Reason: -To comply with the *Strata Schemes (Freehold Development) Act 1973*

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Use of the Site:

~~147.128.~~ The specific commercial and/or retail use or occupation of the ground floor tenancies shall be the subject of further development approval for such use or occupation.

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

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~~148.129.~~ Any external plant/ air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.

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Reason: To minimise noise impact of mechanical equipment.

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~~149.130.~~ Liquid and solid wastes generated on the site shall be collected, transported and disposed of in accordance with the Protection of the Environment Operations (Waste) Regulation 1996 and in accordance with the Environment Protection Authority's Waste Tracking Guidelines as described in the Environmental Guidelines Assessment, Classification and Management of Liquid and Non-Liquid Wastes (1999).

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Reason: To prevent pollution of the environment.

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~~150.131.~~ 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.

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Reason: To ensure the removal of graffiti.

~~151.132.~~ All loading and unloading shall take place within the designated loading areas on the subject property.

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Reason: To protect the amenity of the area.

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~~152.133.~~ To preserve the streetscape, roller shutters are not to be placed over the entrance or the windows of the retail/commercial premises. Any security grille is to be located on the inside of the glass shop front and must be an open grille and see through.

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Reason: To provide an appropriate streetscape appearance.

~~153.134.~~ No air-conditioning condensers/units are to be located on any of the balconies.

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

~~154.~~ A single antennae for the purpose of receiving television signals and a single satellite dish for the purpose of receiving satellite signals shall be installed for the entire building and not affixed to balconies or walls of individual units, and shall not be visible from any frontage.

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Reason: To ensure the amenity of the area.

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