

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

<b>JRPP No</b>	<b>JRPP Reference Number: 2013SYW044</b>
<b>DA Number</b>	<b>DA/168/2013</b>
<b>Local Government Area</b>	<b>Parramatta City Council</b>
<b>Proposed Development</b>	<b>Demolition of existing structures and construction of a part 5, part 6 storey mixed use development containing 1 retail tenancy, a supermarket, and 60 residential apartments over 3 levels of car parking.</b>
<b>Street Address</b>	<b>55 Adderton Road and 1-11 Telopea Street Telopea (The site also has frontage to Garden Street)</b>
<b>Applicant</b>	<b>Brooks Project Architects</b>
<b>Owner</b>	<b>Sleiman Holdings Pty Ltd</b>
<b>Number of Submissions</b>	<b>Submissions from 33 properties</b>
<b>Regional Development Criteria (Schedule 4A of the Act)</b>	<b>The development has a capital investment value that exceeds \$20 million</b>
<b>List of All Relevant s79C(1)(a) Matters</b>	<b>State Environmental Planning Policy 55 – Remediation of Land, State Environmental Planning Policy 64 (Advertising and Signage,)State Environmental Planning Policy 65 (Design Quality of Residential Flat Buildings),State Environmental Planning Policy (Infrastructure) 2007, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP) Parramatta LEP 2011, Parramatta Development Control Plan 2011</b>
<b>Recommendation</b>	<b>Approval with Conditions</b>

<b>Report by</b>	<b>Liam Frayne, Senior Development Assessment Officer</b>
------------------	---

## **ASSESSMENT REPORT – S79C – Environmental Planning & Assessment Act 1979**

---

### **SUMMARY**

#### **Application details**

DA No:	DA/168/2013
Assessment Officer:	Liam Frayne
Property:	Lots 1-4 Sec 1 DP 14134 & E'ment of Lot 4 DP 210264, Lots 13-15 DP 534025, Lots 6-9 Sec 1 DP 14134, Lots 10-13 Sec 1 DP 14134 known as 55 Adderton Road & 1-11 Telopea Street, TELOPEA
Proposal:	Demolition, tree removal and construction of a part 5 and part 6 storey mixed use development containing one retail tenancy, a supermarket tenancy, and 60 residential apartments over 3 levels of carparking.
Date of receipt:	02 April 2013
Applicant:	Brooks Project Architects
Owner:	Sleiman Holdings Pty Ltd
Submissions received:	Submissions received from 33 properties.
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Key Submission Issues:	Bulk, scale, character, traffic, parking, pedestrian safety, noise, and crime impacts

Recommendation: Deferred Commencement

## **Legislative requirements**

Zoning: B1 Neighbourhood Centre

Permissible under: Parramatta Local Environmental Plan 2011

Relevant legislation/policies: Parramatta Development Control Plan 2011  
BASIX SEPP, Section 94A Plan,, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65, Urban Renewal SEPP, Policy for the Handling of Unclear insufficient and amended development applications

Variations: Floor space ratio, height, upper level setbacks, active street frontages, solar access

Integrated development: No

Crown development: No

## **The site**

Site Area: 2990m<sup>2</sup>

Easements/rights of way: None shown on submitted survey

Heritage item: No

In the vicinity of a heritage item: No

Heritage conservation area: No

Site History: None relevant to the present proposal

## **DA history**

2 April 2013 Application lodged

9 April 2013 Additional information request sent to applicant identifying issues including the permissibility of ground floor units, and a range of general design issues.

17 April to 9 May 2013 Advertising Period

29 May 2013 Application considered by Design Excellence Advisory Panel

3 August 2013	On site meeting held
18 June 2013	Additional information submitted (amended traffic assessment)
23 July 2013	Additional information submitted (Architectural plans)
26 July 2013	Additional information request sent seeking additional survey, stormwater, and driveway details.
8 August 2013	JRPP Briefing
23 September 2013	Additional information request sent. Issues included permissibility of ground level units, building height, bulk and scale, deep soil, vehicle parking arrangements, the need for a Stage 2 Site Investigation, request as to clarification of the public benefit of the proposal, and other design details
10 December 2013	Amended plans submitted
23 December 2013	Amended details submitted
17 January 2014 to 31 January 2014	Re-notification of amendments
18 February 2014	Amended acoustic report and BASIX reports submitted
28 February 2014 to 14 March 2014	Re-notification (due to descriptive error in notification letter)
14 March 2014	Amended alignment plan submitted
18 March 2014	Amended alignment plans submitted
26 March 2014	Reconsideration of the application by the Design Excellence Advisory Panel
13 May 2014	Additional information request sent to the applicant providing urban design advice.
9 September 2014	Amended plans submitted
24 September 2014 to 9 October 2014	Re-notification of amendments (current plans)

## SECTION 79C EVALUATION

### SITE & SURROUNDS

The site is irregular in shape and is surrounded on all sides by public roads. It has an area of 2990m<sup>2</sup> and has frontages of 39.4m to Adderton Road, 45.95m to Telopea Street, 110.02m to Garden Street and 31.72m to Robert Street.

The site slopes 3.3m from its highest portion at the south eastern corner to the lowest portion in the sites north western corner at an average gradient of 3.8%.

Existing structures on the site include a part one, part two storey commercial building containing 6 shops, a part two, and a part three storey commercial/residential building.

The shop/commercial uses presently in this block are:

- An art shop
- A convenience store
- A Chinese restaurant;
- An Indian restaurant;
- A pizza shop;
- A hair dressers;
- A vacant premises;
- A tutoring academy; and
- A dentist surgery

These retail/commercial buildings all address Adderton Road, and the rear of them is occupied by open service and parking areas. A single storey remnant fibro dwelling house and its outbuildings is the only other structure on the site.

The site is located directly opposite Telopea Train station. Surrounding development includes a petrol station and real estate agency building to the north, and otherwise the bulk of development north, south and west of the site consists of walk-up 3 and 4 storey residential flat buildings interspersed with the occasional town house development. This suburban high density area on the west of the Carlingford Railway extends approximately 150m west of the site to the boundary of Elizabeth Macarthur Park, approximately 130m north of the site, and approximately 300m south of the site (to Rock Farm Avenue).

Across the rail line from the site are the 3 x 9 storey Telopea Public Housing towers, a 5-6 storey building at 1-5 Shortland Street, with the remainder of development on that side of the line between Benaud Place and Telopea Station consisting of 3 storey walk up flat buildings and detached housing.



**Figure 1:** Aerial photograph of the site.

It is noted that there is also a local retail precinct at Evans Road, the nearest part of which is just over 400m east of Telopea Station (on the opposite side of the railway line), however there is a steep incline between these shops and the development site, and the two are separated by the public housing development on the eastern side of Telopea Station.



**Figure 2:** The shops on the Adderton Road frontage of the site





**Figure 3:** The shops on the Adderton Road frontage of the site



**Figure 4:** Streetscape of Garden Street west of the site



**Figure 5:** Typical site interface with Garden Street on the western edge of the site.

## THE PROPOSAL

Consent is sought for the following:

- Consolidation of the site into a single allotment;
- Demolition of all existing structures on the site;
- Removal of 20 trees
- Construction of a part 5 part 6 storey mixed use building
- The development contains a supermarket, a small retail tenancy, and 60 residential units above 3 levels of car parking.
- The car park consists of 64 resident and 15 visitor and 76 retail parking spaces.

The building comprises ground and basement car parking accessed from Garden Street, a loading dock/staff parking accessed from Garden Street, 3 car parking levels, a supermarket and retail tenancy at ground floor level, an upper level common open space area for residents with two 4 storey towers organized around the common open space area.

## PERMISSIBILITY

### Parramatta Local Environmental Plan 2011

The site is zoned B1 Neighbourhood Business under Parramatta Local Environmental Plan 2011. The proposed works are for the construction of a building containing shops and shop top housing.

The definition of a 'shop' is as follows:



**Shop** means premises that sell merchandise such as groceries, personal care products, clothing, music, homewares, stationery, electrical goods, or the like or that hire any such merchandise and includes a neighbourhood shop but does not include food and drink premises or restricted premises.

**Shop-top housing** means one or more dwellings located above ground floor retail premises or business premises.

These uses are permitted with consent within the B1 Neighbourhood Business zoning under LEP 2011.

## REFERRALS

### Development Engineer

As the application is a development type required to provide on-site detention and one with complex drainage arrangements, the application was referred to Council's Senior Development Engineer for comment.

The Senior Development Engineer found that the proposal was generally satisfactory, however identified that it did not incorporate Water Sensitive Urban Design Measures. It was considered that given the type of development proposed, these measures could be required as a condition prior to the release of any Construction Certificate.

The conditions recommended by the Development Engineer have been incorporated into the recommendation.

### Landscape

The application was referred to Council's Landscape and Tree Management Officer for comment as it is a development type for which a site landscaping scheme is required and the proposal seeks consent for the removal of existing trees on the site.

The submitted landscape plan is considered to be satisfactory, and the proposed tree removals are appropriate given the health of the trees and their location within the site with respect to the proposed building envelope. Conditions were recommended and these have been incorporated into the recommendation below.

A summary of proposed tree removals is as follows:

Tree No	Name	Common Name	Location	Condition/ Height	Reason
4	<i>Melaleuca quinquenervia</i>	Broad-leaved Paperbark	Refer to arborist report	Fair/7m	Located within the building platform
5	<i>Cedrus deodara</i>	Himalayan Cedar	Refer to arborist report	Fair/13m	Located within the building platform. In decline
6	<i>Melaleuca quinquenervia</i>	Broad-leaved Paperbark	Refer to arborist report	Fair/7m	Located within the building platform. Previously lopped, not worthy of retention
7-8	<i>Ligustrum lucidum</i>	Broad-leaved Privet	Refer to arborist report		Noxious Weed

9	<i>Melia azederach</i>	Chinese Elm	Refer to arborist report	Fair/9m	Located within the building platform. Suppressed form, not worthy of retention
10	<i>Ligustrum lucidum</i>	Broad-leaved Privet	Refer to arborist report		Noxious Weed
11	<i>Pittosporum undulatum</i>	Native Daphne	Refer to arborist report	Fair/8m	Located within the building platform. Suppressed form, not worthy of retention
12	<i>Cinnamomum camphora</i>	Camphor laurel	Refer to arborist report	Fair/9m	Located within the building platform
13	<i>Jacaranda mimosifolia</i>	Jacaranda	Refer to arborist report	Fair/8m	Located within the building platform
15	<i>Melaleuca linariifolia</i>	Snow in summer	Refer to arborist report	Fair/7m	Located within the building platform
16	<i>Macadamia integrifolia</i>	Macadamia	Refer to arborist report	Good/7m	Located within the building platform
17-18	<i>Ligustrum lucidum</i>	Broad-leaved Privet	Refer to arborist report		Noxious Weed
19	<i>Citrus sp.</i>	Citrus	Refer to arborist report		Exempt PCC DCP
20	<i>Ligustrum lucidum</i>	Broad-leaved Privet	Refer to arborist report		Noxious Weed
23	<i>Citrus sp.</i>	Citrus	Refer to arborist report		Exempt PCC DCP
24	<i>Olea europea</i>	African olive	Refer to arborist report		Exempt PCC DCP
26	<i>Camellia japonica</i>	Camellia	Refer to arborist report	Good/4.5m	Exempt PCC DCP
27	<i>Morus nigra</i>	Mulberry	Refer to arborist report		Exempt PCC DCP

### Waste Management

Council's Waste Management Officer has reviewed the proposal and considers that the proposed waste arrangements are satisfactory. Conditions recommended have been included in the recommendation.

### Environmental Health Officer – Acoustic Impact

The acoustic report and plans of the proposal were reviewed by Council's Environmental Health Officer to identify if the submitted details were satisfactory.

The Environmental Health Officer indicated that the report was generally considered satisfactory, however conditions will be imposed requiring that noise generating components of the development be certified by a qualified acoustic specialist prior to the release of a construction certificate, and requiring that prior to the release of any Occupation Certificate an acoustic assessment be undertaken of the noise levels generated to ensure compliance.

The recommended conditions form part of the recommendation.

### Environmental Health Officer – Land Contamination

Given the history of uses on the site the application is accompanied by a preliminary site investigation. The preliminary site investigation indicated that while the only contaminant risk from uses on the site was from pesticide contamination due to small scale agricultural activities, there was concern that the proximity of the site to a service station and mechanical repair facility represented sufficient potential for

contamination from the use of hydrocarbons, grease, oils, lubricants and other associated chemicals within the deeper soil strata and ground water zone.

It was also noted that the site has a moderate potential of containing contamination within fill material at inaccessible sampling locations within the deeper soils and ground water as a result of off-site contamination migration from the nearby petrol station.

This was referred for review to Council's Environmental Health Officer who concluded that a detailed site investigation was required prior to further consideration of the application.

The applicant was requested to provide a detailed site investigation, however advice was received from the environmental scientist engaged by the applicant that it was not possible to complete the necessary detailed site investigation given the most likely location of contaminants was located below the footprint of existing buildings.

Given this, a condition will be imposed requiring that a detailed site investigation be carried out prior to the release of a Construction Certificate, along with (if deemed necessary by a detailed site investigation) a remedial action plan.

### **Traffic and Transport Investigations Engineer**

The application was referred to Council's Traffic and Transport Investigations Engineer for comment. The Traffic and Transport Investigations Engineer advised that car parking and loading dock provision was adequate.

In terms of traffic generation, Council's Traffic and Transport Investigations Engineer estimated using the RMS Guide to Traffic Generating Development that the net increase in peak hour traffic generation would be 91 trips (8.41 for residential, 83.25 commercial).

The Traffic and Transport Investigations Engineer advised that the increase in traffic generation could be accommodated by the local road network subject to augmentation works and changes to parking arrangements, particularly in Garden Street. These works are also necessary to enable service vehicles accessing the site.

It is noted that the application proposes the use of semi-trailers to access the site loading dock. The width of Garden Street and the surrounding intersections means that this cannot be supported. A condition is included in the recommendation limiting servicing of the site to Heavy Rigid Vehicles (max length. 12.5m).

The works required to make the surrounding road network appropriate for the proposed use include the following:

- (a) 2 raised thresholds on Adderton Road, 1 south of Robert Street and one north of Telopea Street, to mark that vehicles are entering into a high pedestrian/traffic area;
- (b) Footpath widening and kerb realignment on the western side of Adderton Road, immediately south of Robert Street to improve functioning of that intersection;

- (c) Widening the footpath along the Adderton Road frontage of the site by 3m from the existing kerb and gutter to improve pedestrian safety and to provide a visual signal to vehicles to drive slowly through this precinct;
- (d) Installation of a no stopping zone in Garden Street on its south side between the bend in the street and the intersection with Telopea Street, and on its east side between the bend in the street and Robert Street;
- (e) Installation of a no stopping zone on the west side between Robert Street and the bend in Garden Street;
- (f) Installation of a no stopping zone for the Adderton Road frontage of the site between Robert Street and Telopea Street;
- (g) Installation of a no stopping zone on the north side of Robert Street between Garden Street and Adderton Road.

A condition will require that these be submitted to for consideration by the Parramatta Traffic Committee and approved (or alternate arrangements approved) prior to the release of the Construction Certificate. These works are to be carried out at the cost of the developer.

While it is acknowledged that these works will result in a significant loss of local on-street car parking in Garden Street, it is noted that safe access and servicing to the proposed building requires this, and additionally that the present unsatisfactory traffic and parking arrangements in Garden Street have only persisted for historical, rather than sound parking and traffic management reasons.

The recommended conditions have been incorporated into the recommendation.

### **Design Excellence Advisory Panel and Urban Design**

The development application was considered by the panel as a pre-lodgment in November 2012, after lodgment on 29 May 2013 and for the final time at its meeting on 26 March 2014. The DEAP provided the following final comments on the application, and the assessment response is provided opposite:

<b>DEAP Advice</b>	<b>Assessment response</b>
1. The Panel were advised that removal of the apartments previously shown along the Garden Street frontage resulted from a Council requirement in relation to allowable uses for this site (shop-top housing only). This is an unfortunate outcome as it significantly diminishes activation and amenity of the Garden Street public domain. The Panel would like to see this reconsidered, as a technicality is subverting good urban design on this large and significant site.	<p>Noted. It is agreed that the development would be superior if the blank frontage at the rear of the site could be activated in some way.</p> <p>However subsequent Land and Environment Court rulings have confirmed Council's previous concern that provision of ground level residential uses within the B1 Neighbourhood Centre zone would constitute a use that is not permissible in the zone.</p> <p>In the absence of rezoning of the site or amendments to Council's LEP to facilitate this, there is no legal way for</p>



	ground floor residential units to be provided along Garden Street.
2. The removal of the apartments along Garden Street has resulted in a very high unarticulated wall. There has been no attempt to break it down visually to achieve a more human scale, to introduce texture or to integrate the wall with the development above.	Amended plans have subsequently been submitted that seek to address this concern through the provision of on-wall planting, using the fire stair on this elevation to break up the visual bulk, and inserting windows into the rear wall of the supermarket to break down the scale of the wall. It is considered that these measures do as much as is possible with this façade given the supermarket use effectively requires this frontage be largely blank.
3. The space planning and circulation around the residential lift No. 1 is unconvincing. The foyer is far too cramped internally and too close to the supermarket main entry.	The circulation space around Lift 1 has been increased and provided with its own separate foyer entrance.
4. The fire stair appears to cantilever over the travelators – whilst this may be technically/physically possible it is poorly planned and unnecessarily complicated.	The fire stair no longer cantilevers over the travelators.
5. Lift 1 also obstructs the view out of the building from the corridors on levels 2, 3 and 4. Fenestration at the end of both circulation corridors facing Adderton Road and Telopea Street should provide clear vertical breaks in the east elevation and should contribute to the articulation of the entrances to the building at street level.	Lift 1 has been relocated to provide a direct line between the east facing common area windows and the internal corridors.  These windows provide vertical breaks in the east elevation.
6. The supermarket entrance could be more clearly identified and welcoming.	The retail foyer has been increased in size so as to have more prominence. An altered awning is provided at this location to mark the entrance to the supermarket.
7. The foyer to Lift 2 at ground level is also too cramped.	The Lift 2 foyer has been increased in size.
8. The interface of this scheme with the public domain is very unfortunate. This is an island site	Street activation remains a problem and is largely as a result of the supermarket use. To combat this issue, the applicant

<p>next to a railway station, yet only 10% of the total street frontage is activated, the remainder is blank rendered masonry or service/utility/car park access.</p>	<p>has provided glazing on the eastern part of the Robert Street and Garden Street (north side of the site).</p> <p>Display windows have been provided on the Telopea Street frontage.</p> <p>At the western side of the site vertical gardens are proposed to break up the visual mass of the building, but actual activation remains limited.</p>
<p>9. Internal planning can be further improved in many areas. There are some poor outcomes such as bedrooms directly opening off primary living spaces. The Panel strongly recommend that a qualified interior planner/designer undertake a detailed review of internal planning.</p>	<p>The internal unit planning has been improved, though some units still have minor internal planning issues. However, overall it is considered that all units will provide an appropriate level of amenity to future occupants.</p>
<p>10. The Panel are not convinced that RFDC requirements for solar access are achieved. More consideration of window placement could improve solar access.</p>	<p>Detailed analysis of the shadowing has been carried out by Council which has found that in accordance with the RFDC 70% of units will achieve the required mid-winter solar access.</p>
<p>11. Generally, the Panel continue to be concerned that a clear architectural concept for this significant development remains unforthcoming. The form is simply an extrapolation of the stepped internal planning, and is not of a standard that is appropriate to this site.</p>	<p>It is acknowledged that the proposal appears to have been planned inside-out. However, it is now considered this notwithstanding that the proposal achieves a satisfactory level of design.</p>
<p>12. The Panel have seen this on three occasions and are of the view that the proposal remains short of an appropriate design level for a project of this significance.</p>	<p>Noted.</p>

The panel advised that they did not wish to review the application again.

In the context of the design issues with the site, the matter was referred to Council's internal Urban Design Team who provided advice to the applicant as to what work was required to bring the proposal to an acceptable standard.

In response to these comments, amended plans were submitted by the applicant and these were reviewed by Council's Urban Designer who provided the following advice (with the assessment officer comment adjoining):

*The advice provided from the outset (going back to preliminary lodgement stage) has not been adopted in a holistic manner. It appears fractional changes to the development were undertaken and an iterative referrals process has followed.*

*The site slope conditions and elevated, bulky lower podium arrangement exacerbates the scale of the development, especially along its southern, western and northern elevations. As such, appropriate integration with the public domain and breaking up the scale at the ground plane has remained among other things like optimising internal amenity and SEPP 65 compliance, an important aspect of the proposal to address.*

*Whilst the current revision of the scheme attempts to address most of the comments made, several issues remain which need to be paid further attention.*

The issues below were identified by Council's Urban Designer as requiring further attention (and the assessing officer's response is provided adjacent):

Issue	Response
Indicate Retail Tenancy 2 openings and show potential furniture layout if alfresco area intended over footpath.	The openings of Retail Tenancy 2 and outdoor dining areas can be determined as part of any future application for fit out of this space.
Indicate any building signage on elevation drawings.	While signage zones have been identified on the plans, it is considered more appropriate that signage be considered as part of the future use applications for the site. The amount of signage presently proposed is considered to be excessive and therefore is not approved as part of this application. A condition is included in the recommendation to this effect.
Identify any trolley stacking area on ground floor plan.	Given the space arrangements of the site, the trolley stacking area would need to be within the floor area of the proposed supermarket and this issue can be resolved as part of a future use DA.
Colour materials board is requested (electronic) and the vertical circulation cores are clad with composite aluminium panels in ruby red. This is inappropriate for the context. This needs to be toned down with the use of a more neutral material/ colour.	The external finishes of the building have generally been problematic throughout the assessment of this application. It is considered that the structural materials proposed are acceptable, however more attention needs to be paid to decorative elements such as the ruby red alucabond.  A condition is included in the

	recommendation requiring that all non-structural finishes be submitted for approval by Council's Urban Design Team prior to release of any Construction Certificate.
Location of downpipes and other features such as gutters etc. must be indicated on the elevations. If these are concealed then they should be indicated in the plans in sufficient and legible detail.	The submitted engineering drawings indicate that the downpipes provided will be located within the building envelope and will not run along the external walls.
Increased levels of pedestrian illumination along Garden Street needs to be confirmed. All pedestrian lighting should minimise possible light pollution.	Illumination around the site is a key issue given the history of illegitimate conduct in the general area. A condition will be imposed requiring a public domain lighting plan to be submitted for all street frontages of the development.
Internal planning of retail tenancies including any staff/ patron toilets must be indicated. While it is understood that retail / supermarket operators have specific needs, a blank slate is not acceptable.	While it would be preferable for these details to be available they can be resolved by a future fit-out application.
Some vertical modulation / mullions can be put in which aligns with upper floor vertical elements on the expanse of glass at ground level on the southern elevation.	A condition is incorporated in the recommendation requiring that the large expanse of glass on the ground floor of the southern elevation is broken up by the insertion of two framing elements lined up with the balcony frames above.
The ground floor podium in general requires more modulation to break up the scale.	The ground floor podium is to a degree fixed by the footprint of the supermarket on the site. It is considered that the measures proposed to minimise the impacts of the supermarket on the ground floor are an adequate solution that break up the ground floor mass.
The Garden Street frontage was effectively a blank wall about 6-8m tall. This was recommended to be modulated with articulation, green walls/ planting trellises as well as clear glazing (a recommended minimum of 10% of glazing). It was recommended that green walls or lattices with robust vines are trained over <u>significant</u> portions of this blank façade to provide some green relief – This needs to be further increased and designed / integrated rationally under the current scheme. A combination of evergreen as well as	<p>Some increase in the vertical planting and glazing is considered appropriate and can be resolved via a condition of consent, along with species detail etc.</p> <p>A condition has been included in the recommendation in this regard.</p>



flowering / deciduous vines can provide seasonal display and colour. The landscape plan should include this wall treatment along Garden Street including details. These recommendations should be confirmed by the proponent and details specified on plans.	
Windows shown on western elevation (level 1) missing in plan.	It is noted that the ground floor windows are not shown on the plan, however all other windows are included on the elevation. A condition is incorporated in the recommendation to ensure that this drafting error does not result in confusion.
Bedrooms should have a minimum clear width of 3m. Bedrooms should avoid opening directly onto living spaces to afford better privacy to occupants.	All primary, and the majority of secondary and third bedrooms within the development meet this requirement. Where possible, bedrooms are situated such that direct opening to a living space is avoided.
Living rooms should have a minimum clear width of 4m.	While not all living rooms comply with the specified dimension, it is considered that all living rooms provide sufficient space for their purpose.
Artificially lit and ventilated spaces within units are to be minimised and limited to no more than 25% of the unit's GFA.	This requirement is achieved.
Unit 49 is overly problematic and requires further attention to improve the layout.	It is accepted that Unit 49 is problematic; however it is considered to still remain functional.

Given the above, subject to conditions addressing the remaining few concerns with respect to the proposal from the urban design angle, the proposal is considered to provide a satisfactory urban design outcome.

## **External Referrals**

### **Transport – Sydney Trains**

The application was referred to Transport – Sydney Trains. Transport - Sydney Trains advised that they were satisfied with the proposal subject to the imposition of deferred commencement conditions having regard to the excavation works proposed as part of the application.

The conditions recommended by Transport – Sydney Trains have been incorporated into the recommendation.

### **Endeavour Energy**

The application was referred to Endeavour Energy on 28 October 2014 given the proposal would require works in close proximity to existing powerlines and given it is proposed that a condition be included requiring all powerlines around the site to be placed underground.

Endeavour Energy did not provide a response.

### **Transport – Roads and Maritime Services**

The application was referred to Roads and Maritime Services. Roads and Maritime Services were satisfied with the proposal subject to conditions around construction traffic management, and that all vehicles enter and leave the site in a forward direction.

These matters have been incorporated into the recommendation.

## **PUBLIC CONSULTATION**

In accordance with Council's notification procedures that are contained in Appendix 5 of DCP 2011, the proposal was advertised in the local paper and a sign placed on the site with owners and occupiers of surrounding properties given notice of the application for a 21 day period between 17 April 2013 and 9 May 2013.

17 written submissions were received during this period.

As more than 10 submissions were received, an on-site meeting was conducted on 3 August 2013, attended by Councillor's Abood, Wearne and Wilson, the applicant, Council staff and approximately 30 residents.

Following amendments to the plans of the proposal, the application was renotified between 17 January and 31 January 2014, and again between 28 February and 14 March given a descriptive error in the prior notification letter. 13 Submissions were received in this period.

Following further amendment, the application's current plans were notified between 24 September 2014 and 9 October 2014.

24 written submissions were received during this period.

The matters raised in all of the submissions received from a total of 33 properties and raised during the on-site meeting, are discussed below:

*Concern that the proposal is inconsistent with the objective of the Neighbourhood Centre Zone under PLEP 2011 as the proposal does not constitute "small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood"*

The proposed supermarket and shop are permissible in the zone, and given the commercial component of the use consists only of these two uses, it is not considered that the use will attract significant amount of users from beyond the Telopea area. It is noted that superior retail offerings are available at Carlingford

Court and Westfield North Rocks to the north and at Parramatta to the south, and comparable retail uses operate at the Evans Road shops 400m east of the site including a supermarket, in Oatlands and at Aldi Rydalmere.

It is noted that with the exception of the area immediately around the site, the bulk of the surrounding neighbourhood consists of car-dependent low-medium density residential housing.

It is therefore considered that the use will serve the local neighbourhood within which it is located and will not attract substantial additional traffic from a broader area.

*Concern that the proposal is of excessive scale for the site and does not comply with the maximum floor space ratio for the property intended to manage this impact*

Council's planning controls indicate that an FSR of 2:1 applies to the site. The proposal has an FSR of 2.5:1. The departure to the FSR control is considered warranted in this specific case for the reasons outlined in detail later in this report. The proposal has been reviewed and while it is acknowledged that the proposal will have additional impacts on the surrounding locality, it is considered that the extent of these impacts is satisfactory and they are not as a result of the floor space variation sought.

*Concern that the building height proposed is excessive and should be not more than 4 storeys*

The proposal is up to 6 storeys in height (as viewed from Garden Street). The proposal marginally exceeds the maximum 18m height limit applying to the site under LEP 2011 (maximum 18.5m) and above natural ground level. It is considered that the height is therefore generally consistent with the intent of LEP 2011.

*Concern that non-compliances with the upper level setback controls under DCP 2011 will result in a 5 storey unarticulated building when viewed from Garden Street*

Garden Street runs along two sides of the site and the Telopea Precinct controls seek a different setback treatment for each of these.

The western setback from Garden Street is identified in the DCP as being 0-3m. The building as a whole provides for the most part a 3m setback to this part of Garden Street. The only encroachment into this zone is a stairwell that encroaches into this zone with a 500mm setback.

It is noted that along the western setback of Garden Street, the podium is setback 3m from the street, above which two wings are either side of a courtyard which is open to Garden Street.

The southern wing is setback an additional 3m from the podium edge. On the northern wing, a 14m portion is setback an additional 0.5m from the podium edge, but otherwise the building steps back for the residential portion.

A different setback treatment applies along the northern boundary setback from Garden Street. This setback requires nil ground level setback, and a 3m setback above the third floor. The podium is setback 2m-2.5m from this part of Garden Street, which is appropriate given the slope of the land prevents an active street frontage being provided at this location. The upper levels are setback 2m beyond this at the nearest point, but generally 5m, meaning that the upper levels of the building are 5m-7m from the street boundary.

It is considered that this setback is acceptable as it exceeds that required under the DCP.

*Concern that overdevelopment of the site could impact on nearby natural areas*

The site does not contain, or adjoin any natural areas. It is acknowledged that there is a bushland reserve at the rear of the properties on the opposite side of Garden Street from the site however this is 70m from the site at its nearest point with high density residential development in between. Appropriate conditions are included in the recommendation to ensure that stormwater disposal will not unduly impact on water quality in the locality.

The proposal will not have an obvious impact on the bushland reserve.

*Concern that the proposal is out of context with and of a scale incompatible with surrounding development, and therefore does not meet the context requirements of SEPP 65*

Compatibility with context is principally determined by the form and scale of the proposed building when compared with surrounding sites.

While the proposed building is of a different form and of larger scale to the development surrounding the site on the western side of the Carlingford Railway Line, this is to be expected given that the site is zoned differently to those surrounding sites (B1 Neighbourhood Business as opposed to R4 High Density Residential) and accommodates commercial uses at the ground floor as required by the zoning. Inevitably this produces a different building form than might otherwise be the case on an R4 zoned site.

The scale of the proposal, while larger than that of buildings on surrounding sites is considered satisfactory given the height and scale of the public housing towers across the Carlingford Rail line from the site, and given the role of the site as the “arrival” point to Telopea station.

Notwithstanding the different form and scale of the proposal, it is not considered that the proposal is incompatible with surrounding development.

*Concern that the submitted traffic assessment does not provide an adequate assessment of the traffic impacts of the development given use of out-data traffic data and credits given for existing development on the site*



It is accepted that the provided traffic report contains some details that are not up to standard. However, the proposal has been separately assessed using Council traffic data and the RMS Guide to Traffic Generating Development by Council's Traffic and Transport Investigations Engineer and it is considered that the existing local road network is capable of handling the additional peak hour traffic likely to be generated by the development.

*Concern that the parking provision for the site is inadequate and the parking rates (for within 400m of a station) in Council's DCP are not appropriate for this site*

The proposal complies with the parking rates as outlined in Council's DCP for developments within 400m of a station. It is acknowledged that services along the Carlingford Line are not as high frequency as elsewhere in the Parramatta LGA (approximately a train per direction every 45 minutes during the day), however it is still considered that the service is sufficiently regular to be relied upon as a transport option.

It is not considered that there are any use or site specific circumstances that would justify application of an extraordinary parking rate from that contained in the DCP.

*Concern about the assessment of air-conditioner impact and traffic noise assessment in the acoustic report submitted by the applicant*

The submitted acoustic report has been reviewed by Council's Environmental Health Officer who considers that air conditioning and exhaust shafts can be appropriately and simply treated to minimise acoustic impacts and conditions will be imposed to ensure that this occurs.

In terms of the concern with respect to traffic noise impact, while the proposal will result in some increased vehicular noise, it is considered that the post development traffic volumes on this street will not have an unreasonable impact on resident amenity.

Conditions will be imposed to limit the hours of operation of the retail premises which will assist in limiting this impact.

*Concern that the proposal will have a negative impact on the health and peace of the surrounding neighbourhood*

It is conceded that the proposal will result in additional traffic impacts around the site; however it is considered that these and other impacts of the proposal are within satisfactory parameters given the nature of the site and its zoning.

*Concern that the proposal will impact on the green space and neighborly feel of the area*

The existing site as presently arranged has minimal green space with the exception of the northern edge of the block. The remainder of the site contains a simple mix of car parking/service areas and shop buildings. The road reserve around the site

contains also limited significant street tree planting constrained by the low powerlines around the site.

The application proposes a 3m deep soil landscape strip along the western side of the site, and a 2m wide strip along the northern side of the site. This planting will bed the development in the garden setting of buildings generally around the site, and green wall plantings will be applied to the rear of the development to soften the hard wall at the rear of the building.

To further improve the amenity of the area around the site, a condition will be imposed requiring powerlines be placed underground around the site, and requiring that substantial street trees be planted where sufficient room is available to make them viable.

It is acknowledged that the increase in traffic along Garden Street as a result of the proposal will in some way reduce the 'local' feel of the street, but in terms of the proposed building itself, it is not considered this will diminish the green space or local feel of the surrounding area.

#### *Concern about the impact of the proposal on on-street parking availability*

The proposed development provides sufficient parking to comply with DCP 2011, and given the nature of the development and the organization of surrounding streets, it is not considered that on-street parking offers a better alternative for visitors to the site when compared to parking within the site itself.

Parking is not available along the Adderton Road or Telopea Street frontage of the site and parking in Garden Street would require visitors to the site to walk around the block to access the building if that parking were to be retained.

Given the need to provide service vehicle access to the supermarket approval of the application will necessitate removal of the majority of the existing on-street parking in Garden Street to facilitate service vehicle movement. It is noted this will impact negatively on Local Street parking availability. Sufficient on-street parking is available in the locality to assist with the loss of spaces in Garden Street,

#### *Concern about noise impacts requiring residents of surrounding properties to close their windows to preserve their amenity*

While there will be an increase in road traffic noise, it is not considered that this noise will be excessive and unreasonable. Appropriate hours of operation will be imposed on the commercial portions of the use to limit these aspects of the proposal that are likely to generate the most vehicle trips.

In terms of other impacts of the development, conditions will be imposed requiring that noise generation be kept within the parameters outlined in the NSW Industrial Noise policy.

#### *Concern about the privacy impact of the proposal on surrounding developments*

For most of its length, the Garden Street road reserve is 15 metres wide, and for its remainder the road reserve is slightly wider. The development provides at least a 3m setback for its residential components for the upper parts of the building. Therefore, without accounting for the front setbacks provided by existing residential buildings across Garden Street from the site, a separation of 18m is provided. As outlined in the residential flat design code, this substantial separation prevents close and direct views between buildings and therefore is in itself an effective privacy control.

It is noted that the elevation of the bulk of units in the development above the level of Garden Street also serves to prevent close and direct views by increasing the lineal distance between residential windows/balconies.

*Concern that the proposal will diminish the retail diversity of the existing shopping strip (which includes services, shops and restaurants) which caters for local residents*

It is acknowledged that the substantial floor plate to be occupied by the proposed supermarket will significantly diminish the diversity of retail uses in the centre. While the supermarket will have capacity to provide a greater diversity of grocery products compared with the existing mix of businesses, it is noted that uses including take-away and sit-down restaurants, hair and beauty salons, a dentists, and a tutoring business will be displaced as the proposed retail arrangement only permits a supermarket with one other retail use.

On the other hand, the provision of a suitably sized supermarket at this location will reduce the need for the substantial number of residents living in the immediate vicinity of the site to travel to surrounding shopping centres such as Carlingford Court for their weekly shop, and there are a number of smaller (4-10 shop) retail clusters in a reasonable distance of the site that provide the services to be displaced.

Given this, it is considered that the undeniable loss of retail diversity is somewhat offset by the benefits of convenience that the supermarket proposal brings to the locality.

*Concern about the impact on the accessibility of residences as a result of additional car and truck traffic in Garden Street*

It is acknowledged that increased traffic generated by the proposal will impact on the ease of vehicle movement into and out of Garden Street. However, it is considered that the level of traffic likely to be generated by the proposal remains within satisfactory parameters and will not prevent residents entering and leaving their properties in a safe manner.

*Concern that incomplete plans were supplied as part of the notification package and that no notice was placed on the development site during notification*

The plans included in the notification package were extracts supplied in accordance with Appendix 4 of Council's DCP. More detailed plans were provided and have been available on Council's website as well as being available at Council's customer service centre at Parramatta and Dundas Local Library.

It is noted that revised shadow diagrams were provided at a later date.

A sign was installed on the site during the advertising of this application.

*Concern that service vehicles entering the loading dock would have extremely limited turning room to enter and exit from the site and concern that the proposal conflicts with the existing 3 tonne limit on Garden Street, Adderton Road, and Robert Street*

This concern is agreed. A condition is included in the recommendation limiting vehicles entering and leaving the site to heavy rigid vehicles. Additionally, it will be necessary to remove on-street parking from both sides of Garden Street between the loading dock and Robert Street, and conditions are also included in this regard.

*Concern that the slope of the driveway would result in additional noise from trucks entering and exiting from the site*

It is acknowledged that the reliance of trucks by the proposed development will result in additional noise for residents in Garden Street. It is considered notwithstanding this negative impact on amenity that the extent of impact remains within satisfactory parameters given the zoning of the development site and location of the site. Conditions are included in the recommendations limiting truck movements to reasonable day-time hours.

*Concern that vehicle headlights will shine directly into dwellings at the front of 1-3 Robert Street given the exit ramp provided*

Vehicles exiting the site will drive up a 6m long ramp that enables vehicles to climb the 500mm difference between the car park level and street level. It is considered that the only practical means of managing this impact is to limit the hours of operation for the commercial use to 7.30p.m. This will ensure that the bulk of vehicle movements have ceased by the time that residents are using the affected rooms, which are bedrooms.

*Concern as to the operating hours of the proposed car park roller shutter for the commercial car park and the noise this may generate*

A condition will be included in the consent requiring that the Garden Street car park roller shutter be in a closed position only after 10.00p.m and before 7.00a.m in order to prevent excessive noise from open and closing. Noise from the roller shutter after that time is likely to be rare and intermittent.

*Concern about the impact of additional traffic on pedestrian safety in the vicinity of the site and the adequacy of existing traffic infrastructure*

It is acknowledged that the additional traffic to be generated by the proposal will impact on the safety of pedestrians around the site. To address this concern, the applicant will be required by condition to apply to Council's Traffic Committee for a

number of precinct works prior to the release of any Construction Certificate outlining what measures are required to improve the safety of pedestrians and motorists.

*Comment that the application should include a proposal to relocate the pedestrian traffic lights connecting the site with Telopea Station to the intersection of Robert Street and Adderton Road to facilitate safe vehicular access/egress from the property.*

The installation of traffic lights at this location requires Transport – Roads and Maritime Services approval. To obtain such an approval, an intersection must be used by more than a particular number of vehicles or be identified as specifically dangerous.

The intersection of Robert Street and Adderton Road does not meet the vehicle or accident threshold required for Roads and Maritime Services to approve the installation of traffic lights at this location.

*Concern that the proposed tree planting along Garden Street will be impacted by the existing powerlines around the site*

This concern is noted, and is accepted. To address this concern, a condition is included in the recommendation requiring that all powerlines/fibre optic cables around the site be placed underground at the applicant's expense. This will enable the beautification of the road reserve around the site, and the planting of high quality street trees.

*Concern about the size of the units proposed and their adequacy as living space and that the units will constitute affordable rental housing*

Notwithstanding that DCP 2011 does not contain any minimum dwelling size controls, Council's assessment of unit sizes within the development shows that all units comply with or exceed the minimum recommended unit size advised in the Residential Flat Design Code.

The application does not propose public or affordable rental housing.

*Concern about waste collection for the development occurring outside of normal work hours*

The size of the development means that waste collection will need to be carried out by private contractors appointed by the commercial tenants and by the residents strata body. A condition is included in the recommendation requiring that waste collection occur between 7.00a.m and 7.00p.m to ensure that collection does not impact on the amenity of residents.

*Concern about the overshadowing impact of the development on properties on the western side of Garden Street*

While the proposal will overshadow 1 Robert Street and 9-11 Garden Street in the morning, these properties will otherwise maintain 3 hours solar access as outlined in

DCP 2011. No other properties in the street will be overshadowed between 9.00a.m and 3.00p.m in mid-winter.

*Concern about the latent heat from the solid brick walls of the proposal impacting on the environment of dwellings located across Garden Street resulting in increased energy usage*

The building is separated by 19 metres from the nearest building across Garden Street. It is considered that this distance is sufficient to enable any latent heat captured by the building to dissipate without impacting on the temperature of dwellings on the opposite side of Garden Street.

*Concern about the impact of the proposal on the viability of surrounding smaller retail centres including the Evans Road/Benaud Street local shopping precinct.*

It is likely that the proposal will have some impact upon the supermarket located at the Evans Road retail precinct, 400m east of the site, given that it will represent a direct competitor to that use if both operate at the same time. However, the proposal will also result in the loss of a range of smaller retail uses from the site, some of which the only replacement services are located at the Evans Road retail precinct or in other similar surrounding small shop clusters in the area.

Given this, as the proposal will not provide a diversity of uses, it is considered that surrounding retail uses will maintain a viable role in the local retail mix.

*Concern that the proposal will result in an area at which illegitimate activity will occur, particularly the car park*

The proposed use provides clearly defined markers of private, semi-public and public space, and the proposed car park will have suitable access control measures to prevent unintended access after hours.

It is anticipated that use of the car park will be regular, and so natural surveillance of this area will minimise the risk of illegitimate activity.

Conditions are included in the recommendation to require the car park roof at commercial levels be painted white to improve the sense of occupant safety in line with Crime Prevention Through Environmental Design principles, and requiring that the car park be adequately lit to discourage illegitimate conduct.

*Concern about air pollution from the development*

While the use itself will generate limited air pollution, it is acknowledged that vehicle movements brought into the locality from the use will result in some additional air pollution impact in Garden Street. The impact is not considered to be excessive, however, and some off-set is provided given the substantial landscaping of the 3m strip at the rear of the site.

*Concern that the number of staff parking spaces proposed on site is inadequate for the use*



The parking rates for retail premises in Council's DCP do not differentiate between customer and staff parking, but are intended to account for both. The reason that 6 spaces are specifically allocated to staff is due to the location of these spaces in the loading area of the development. This location in a service area means that these spaces are only appropriate and safe for use by staff of the commercial use on the site.

The parking rate means that sufficient parking is also available elsewhere on the site for the remainder of the employees.

*Concern about the manner in which trolleys will be managed on the site*

The specific fit-out and use of the supermarket and retail premises on the site will require further consent. This application will need to be made in concert with the supermarket operator, and it is therefore appropriate that matters such as shopping trolley management are dealt with at that time. A condition will be imposed requiring trolley locking devices to be fitted to all trolleys. This will reduce the potential for trolleys from the site to be removed from the site.

*Concern as to whether screening around the electrical kiosk on the corner of Robert and Garden Street will be up kept over time*

Council cannot guarantee the upkeep of the screening around the identified kiosk, which will ultimately be the responsibility of the owner of the development. This issue does not warrant the refusal of the application.

*Concern that the proposed supermarket is not required given the proximity to higher order retail centres in Carlingford, Rydalmere, and Ermington*

A number of local and regional shopping centres are in driving proximity of the site, however given the high population densities around Telopea station, it is considered that there may be a role for an additional supermarket within close walking proximity to Telopea station to negate the need for residents around the station to drive to the more distant centres mentioned. Ultimately the need for an additional supermarket is a market decision and not a decision for a consent authority.

*Concern that the proposal is out of character with surrounding development*

It is acknowledged that the proposal will be of a different type and scale to surrounding residential flat buildings, however it is equally true that existing development on the site is not consistent with surrounding development given its retail/commercial character.

It is considered that while the proposal will not be the same as surrounding development, its form is not incompatible with that development and is acceptable given the different role required of this site in comparison to its residentially zoned neighbours.

*Concern about the impact of the proposal on the adequacy of TV reception around the site*

It is unclear to what extent, if any, the proposal will impact on TV reception around the site. It is also unclear what reasonable measures could be taken to address problems associated generally with the existing topography of the site with respect to TV reception. It is noted that a fully compliant development on the site would not necessarily have less impact in this regard.

*Concern about the cumulative impact on local traffic on the on-going urban consolidation in the area*

The concern is acknowledged. Cumulative traffic and transport impacts on local roads is considered as part of any proposal to up-zone land to facilitate denser usage. This cumulative impact is not something that can be considered effectively as part of an individual development application where only the specific impacts of that development can be considered. It is noted that the traffic impacts of this proposal have been considered by Council's Traffic and Transport Investigations Engineer who considers that the local road network is capable of handling the additional traffic flows.

*Concern about the impact of construction noise during works*

While construction activities are always disruptive, conditions have been incorporated in the recommendation with a view to managing these impacts within reasonable parameters. The conditions relate to the hours of work, the maintenance of a complaints register and the level of noise permitted.

*Concern that the width of Garden Street in its current arrangement is inadequate for vehicular access to the proposed development*

It is agreed that the present single traffic lane in Garden Street is inadequate for the car and service vehicle to be generated by the proposal. Council's Traffic Engineer considers that all on-street parking between the loading dock entry and Robert Street will need to be removed and replaced with a no stopping zone. In addition, intersection upgrade works are required at Robert Street and Adderton Road to enable service vehicles to appropriately manoeuvre and improve pedestrian and vehicular safety.

A condition is included in the recommendation outlining the works to be submitted to Council's traffic committee for consideration/approval prior to the release of the Construction Certificate.

*Concern about conflict between the existing driveways in Garden Street and the proposed driveway*

The driveway locations with respect to surrounding driveways have been reviewed by Council's Traffic Engineer who considers that provided on-street parking in

Garden Street near the site is removed, the conflict between driveway locations will not prove a safety issue given the increased visibility resulting.

*Comment that vehicular entrances should be relocated from Garden Street to Robert Street or Adderton Road*

While for reasons of traffic management and amenity, the better driveway location would be on Adderton Road or Robert Street, the narrow frontage of the site to these roads and the proximity of all points of those frontages to intersections means that such a location would prove unacceptably dangerous. Accordingly, the only means by which safe vehicular access to the site can be provided is via Garden Street.

*Concern about the impact of increased traffic flows on the viability of local cycle routes*

It is acknowledged that in general, additional vehicles on the road can reduce the safety of cyclists, however it is considered provided the traffic flows around the site are appropriately managed, the development will not substantially impact on existing traffic flows along Adderton Road.

*Concern about the impact of commuter parking on local parking availability*

The concern is an ongoing concern, and is not specifically as a result of the proposal. However it is acknowledged that some changes to on-street parking in Garden Street will result in a reduction of street parking in the vicinity of the station, potentially pushing commuter vehicles onto surrounding streets.

This is, however an existing problem and it would be unreasonable to expect the development to make extra parking provision for commuter parking.

*Concern that the proposal will result in additional traffic that will potentially impact on native ducks and brush turkeys crossing Robert Street*

The risk to native ducks and brush turkeys crossing Robert Street is an existing one, and while the proposal may generate some additional traffic along Robert Street, it is not considered that this will be in such volume or speed as to endanger this fauna..

*Concern that the proposal will impact on existing drainage, electricity and water infrastructure*

As part of the post-Development Application development process, the applicant will be required to obtain a Section 73 Certificate from Sydney Water, and a connection certificate from the local energy infrastructure provider. The process of issuing these certificates includes consideration by the relevant authorities of the adequacy of existing utility infrastructure.

In terms of drainage infrastructure, the application incorporates significant on-site detention as required under Council's policy. This infrastructure slows the release of stormwater from the site to minimise 'peak' stormwater flows into the existing drainage system. Council's Development Engineer has reviewed the proposal and

considers that the proposed stormwater infrastructure and the existing public system around the site is capable of handling stormwater from the site.

*Concern about job losses through the closure of locally owned shops*

It is acknowledged that the application will result in a reduction of tenancies available for small businesses on the site. It is noted however that at this stage no details of the potential future operator of the supermarket have been advised and on that basis it is not possible to assess whether this use will be run by a chain or local operator.

It is noted that in either event, the supermarket use will have need for a substantial number of employees in the same way that existing businesses around the site do.

*Concern about the impact of the driveway location on an existing Melaleuca tree*

Given the proposed works require excavation of a basement for almost the entire footprint of the site, the retention of all vegetation on the site is not possible. Replacement landscaping is proposed and given time it is considered that this will ultimately improve the landscape setting of Garden Street.

*Concern about the impact of the proposal on outlook of properties on the western side of Garden Street*

It is considered that the proposed 3m wide landscaped strip at the rear of the development will soften the view of the development as viewed from Garden Street. It is noted that with the exception of the northernmost property in the development site, the bulk of the existing site contains open service and parking areas that do not provide a positive outlook. The proposal will enclose these services within the building.

*Concern that the proposal provides basement, rather than at grade, parking for the commercial component given people are less likely to use basement parking*

Given the relative convenience of transporting purchases via trolley within the building down the proposed travelators to parked cars in the basement, it is considered that the basement car park will be used by customers of the proposed supermarket.

It is noted that there is limited on street parking around the site, and the proposal will result in further reduction of this on Garden Street to enable service vehicles to access the proposed loading dock. It is acknowledged that this is undesirable but also unavoidable given the nature of the development proposed.

*Concern that the application has not been referred back to the design excellence advisory panel despite the panel recommending the application be sent back for further review*

The application was reviewed twice during the development assessment panel by the Design Excellence Advisory Panel who provided their advice with respect to the

proposal. Following on from this process, the application was referred to Council's Urban Designer who provided further advice with respect to the proposal.

It is considered that the application now achieves a satisfactory level of design.

*Concern that other referrals have not been completed*

All specialist referrals sent out have been completed as described in the referrals section of this report.

*Concern that the proposal does not bring with it adequate public benefit to justify the variations proposed*

It is considered that as the proposal will enable the consolidation and reorganization of a number of sites into 1 development, a superior development outcome is achieved than might be the case if sites developed individually.

It is agreed that beyond this, public benefit is limited to improving the public domain around the site, however it is considered that there is sufficient public benefit to justify the proposal. Variations to development standards contained in Parramatta Local Environmental Plan 2011 are required to be assessed in accordance with the requirements of clause 4.6 of this instrument. This requires the public interest to be considered but not the public benefit.

*Concern that the Garden Street landscaped area does not qualify as "deep soil"*

The site is not required to provide deep soil areas under DCP 2011. This notwithstanding, the landscape strips on the northern and western sides of the development do constitute deep soil zones as they will enable water to naturally infiltrate to the groundwater and allow for the provision of future mature vegetation.

*Concern that not all documents forming part of the application have been provided via Council's DA tracker*

Where possible, all documents submitted by the applicant except those containing internal residential floor plans or signatures are publically available via Council's DA tracker. Access to information to be available for viewing on the website can be requested via a 'GIPA' request.

*Concern about the accessibility of the communal open space area and the adequacy of planting around this area*

The upper level communal open space has been reviewed by Council's Landscape and Tree Management Officer who considers its landscape treatment to be appropriate. The landscape area is accessible to the residential units for whom it is intended via lift or is on the same level as the remaining units. It is considered to be adequate.

*Concern that the plans do not show garbage or bike storage*

It is acknowledged that the initial submission did not contain this information. The most recent submission includes garbage facilities and bicycle storage in the basement.

*Concern about the adequacy of the car park design*

The car park has been reviewed by Council's Traffic and Transport Investigations Engineer who considers that the car park design is satisfactory compared with the relevant Australian Standards.

*Concern about road access and traffic congestion during demolition and construction*

Conditions are included in the recommendation requiring a construction traffic management plan be submitted to manage traffic impacts during works.

*Concern that visitors to the complex will not be able to use the visitor parking spaces provided and these will be appropriated by residents of the complex*

Conditions are included in the recommendation as to the parking mix to be provided on site. It will be required that this be carried through to the strata plan to ensure that these spaces remain as common property.

*Concern about the solid wall of the base of the development (on the western, northern, and southern sides of the site) and its inadequate provision of natural surveillance.*

It is agreed that the base of the development on the northern, western, and southern facades is problematic. At Council's request, the applicant has modified the proposal to provide shop front glazing along the southern and part of the northern elevation. With respect to the remaining parts of the western and southern elevations, windows have been inserted into these elevations (there is an inconsistency between the elevations and ground floor plans which the recommendation requires to be corrected by provision of the identified window).

These facades have also been modified to include landscaped walls, planting, and the fire stairway at the centre of the west elevation serves to break up the mass with its more careful design as now proposed.

*Concern about the zero setback provided for the site being more appropriate for the CBD*

Council's DCP 2011 contains specific setbacks for this site as identified in the Telopea Precinct section of the DCP. These site specific setback requirements seek Zero setbacks along Adderton Road, Robert Street, Telopea Street, and the part of Garden Street running along the northern boundary of the site. Setbacks of 0-3m apply along the western boundary of the site.

The proposal generally complies with these setbacks, which were developed specifically for the site and the type of use permitted on the site in mind.

*Concern that details provided do not confirm that floor to ceiling heights are precisely 2.7m for residential levels*

The concern is noted, however the plans indicate sufficient distance between levels for floor heights of 2.7m to be provided. Conditions are incorporated in the recommendation in this regard.

*Concern about the removal of existing trees from the site*

It is acknowledged that the application will require removal of the limited vegetation presently on the site. This is necessary given that basement works will excavate almost the entire site. A landscape plan accompanies the application and proposes new trees along the Garden Street edge of the site, and new street planting is required around the site. In time, it is considered that these measures will contribute to an improved garden setting particularly along the western edge of the site.

*Concern that the submitted shadow diagrams do not show buildings across the road from the site*

While it would be preferable if buildings across the road from the site were shown on the shadow diagram, sufficient information is supplied in these drawings to enable an assessment of the extent of shadowing when cross-referenced with Council's aerial photographs of the site to enable an assessment to be completed.

*Concern that the proposal will result in Garden Street becoming a dark laneway*

The application proposes a 3m setback to Garden Street at ground level. Upper levels are setback more than 3.5m from the street edge. It is considered that sufficient treatment has been applied to the rear elevation in terms of landscaping and design to prevent the amenity of Garden Street being substantially damaged in this regard.

It is also noted that as Garden Street is a north-south oriented street, and the building is on its eastern/southern side, the building will not generally overshadow the street except in the morning.

*Concern that the proposed unit mix will move the area from a family demographic*

The building contains a mix of apartments, the bulk of which are 2 bedroom or above. Council policy requires that a mix of unit types be provided to ensure that there is sufficient availability of the different housing types to meet housing demand.

*Concern that the proposal will change the character of the area to a high density area*

It is noted that housing densities in the immediate vicinity of the site are already high, with the bulk of housing around the site in the form of walk-up residential flat buildings. While the commercial component of the development lends the proposal additional height, the overall scale of the residential development is not inconsistent with existing residential densities around the site.

*Concern about the proposed trading hours of the development*

The submitted statement indicates hours of operation between 6.00a.m and 10.00p.m. for the retail component of the use. Given the substantial amenity impact from traffic from the proposal on Garden Street, it is considered appropriate that the hours of operation of the commercial component be limited.

Conditions are included limiting that retail trading occur only occur daily between 8.00a.m and 8.00p.m.

*Concern the proposal will be used for public housing*

There is no indication in the application that any of the proposal will be used for affordable/public housing.

*Concern about street lighting around the site*

It is agreed that street lighting around the site is an important issue. A condition is included in the recommendation requiring that a public domain lighting plan be submitted for review by Council prior to the release of the Construction Certificate for the site.

<b>ENVIRONMENTAL PLANNING INSTRUMENTS</b>
---

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

The provisions of SEPP No. 55 have been considered in the assessment of the development application. The site is not identified in Council's records as being contaminated. However, given the history of commercial uses on the site (not all of which are known) it was requested that the applicant carry out a preliminary site investigation.

The preliminary site investigation concluded that while uses of the site itself were unlikely to have contaminated the site (except possibly by way of small scale agriculture pesticide use), there is a reasonable possibility that the site may have been contaminated at depth and at ground water level by cross flow from the petrol station and mechanical workshop opposite the site on Telopea Street.

While in normal circumstances, a Stage 2 Site Investigation would be required in such circumstances, the most vulnerable part of the site to this is below the existing buildings on the site and the applicant's Environmental Scientist has advised that it is not possible to carry out the testing required for a Stage 2 Site Investigation prior to demolition of the buildings that presently occupy this part of the site.

Given this advice, a condition has been incorporated into the recommendation requiring that prior to release of the Construction Certificate for the development, a Stage 2 Site Investigation is carried out. Where this investigation identifies contaminants in the soil or ground water on the site, a Remedial Action Plan will also be required at this stage, which is to be submitted to and to be satisfactory to



Council. The condition will also require that a site validation certificate be provided to confirm that remediation works have been completed.

It is considered that this will satisfy the requirements of SEPP 55 and ensure the site is safe for future users.

The reports submitted satisfy the requirements of clause 7 of SEPP 55 as the ground floor of the proposal remains retail. Further given the extensive excavation proposed the main purpose of the further reports will be to ascertain whether the excavated material is required to be treated before disposal.

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

The application has been accompanied by 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. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

### **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 not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development.

The development is consistent with the controls contained with the deemed SEPP.

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

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

Clause 45 of the SEPP requires that any works within 5m of an exposed overhead electricity power line, or any development requiring the placement of powerlines underground be referred for a 21 day period to the local energy infrastructure provider. Endeavour Energy were notified of the proposal and Council's intention to

impose a condition to place powerlines underground in the vicinity of the site from 28 October 2014. No objection was received in response.

Referral of the proposal to Transport – Sydney Trains was also required under Clause 86 of the SEPP given that the application proposed excavation works within 25m of the rail corridor. In response, Transport – Sydney Trains were satisfied with the proposal subject to conditions. The requested conditions are included in the recommendation.

Under Clause 87 of the SEPP, given the application includes residential uses, the application is required to demonstrate that appropriate measures are incorporated to ensure that any bedroom in the building has a maximum LAeq level of 35d(B)A and that any other room of the building has a maximum LAeq level of 40dB(A). A report prepared by an acoustic specialist has been provided which demonstrates that these noise levels can be achieved.

Under Clause 104 of the SEPP, referral of the proposal is required to Transport – Roads and Maritime Services given the development constitutes Traffic Generating Development (2000m<sup>2</sup> shops). Transport – Roads and Maritime Services advised that they considered the proposal satisfactory subject to vehicles entering and leaving the site in a forwards direction and a construction traffic management plan being approved. The requested matters are incorporated into the recommendation.

#### **STATE ENVIRONMENTAL PLANNING POLICY 64 – Advertising and Signage**

While the application does not propose any actual signage, signage zones are proposed. The proposed number and location of signage zones are considered excessive and contribute to visual clutter. Accordingly, a condition is included in the recommendation advising that no signage zones or signage are approved as part of this application.

These details will be able to be resolved as part of any future use application.

#### **STATE ENVIRONMENTAL PLANNING POLICY 65 Design Quality of Residential Flat Development 2002**

SEPP 65 applies to the development as the building is 3 storeys. As discussed in the referral section of the report, the application was considered by Council's Design Excellence Advisory Panel who considered SEPP 65 and found the proposal to be satisfactory.

A design statement addressing the quality principles prescribed by SEPP 65 was prepared by the project's registered architect and submitted with the application. The statement addresses each of the 10 principles and an assessment of this is made below. Council's assessing officer's comments in relation to the submission is outlined below.

#### **Context**

The development site is surrounded by 3 and 4 storey residential flat buildings, as well as 3 x 9 storey residential flat buildings across the Carlingford Railway Line and Adderton Road from the site. The location of the site, directly opposite Telopea Railway Station and its present role as the bulk of the retail area in the immediate station precinct, mean that the site is a key strategic one locally and is the 'gateway' or 'destination' site within the locality around the station.

The form and scale of the proposal reflects the sites key local role, marking it as the core of the Telopea station precinct.

However, the form of the development is also appropriate to the suburban context surrounding the site as reflected in the proposed form of the residential portion of the development, and in this regard will not stand out from the existing context more than its role as the local destination site demands.

It is noted that some modest change to the finishes of the development from that proposed are necessary to assist in maintaining a generally suburban character for the overall development, notwithstanding its important marker-point and commercial roles.

### ***Scale***

Given the key nature of the site, the scale of the proposal is considered appropriate as there is a necessity to provide a coherent sense of arrival given the sites its key situation adjacent to Telopea Station and its role as the core of the station retail precinct.

The impacts of this scale are considered to be within acceptable parameters and do not impact unreasonably on the amenity of surrounding land uses.

### ***Built form***

The design generally 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.

### ***Density***

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

### ***Resource, energy and water efficiency***

A BASIX Certificate has been submitted with the application and the required design measures have been incorporated into the design of the building. The construction certificate plans will need to address certain other requirements outlined in the Basix Certificate.

## ***Landscape***

A landscape plan was submitted with the proposal. The landscaping options are considered to be adequate within the design constraints imposed by the use typology proposed.

It is considered that the overall design proposal would benefit substantially from additional wall planting along the western wall of the site to reduce the visual impact of the rear wall of the development, along with the planting of substantial street trees where this is achievable around the site. These measures would serve to better embed the building in its landscape context and conditions have been imposed in this regard.

## ***Amenity***

Generally, the proposal as amended is considered to be satisfactory in this regard, optimising internal amenity through generally appropriate room dimensions and shapes, access to sunlight, natural ventilation, visual and acoustic privacy, storage, indoor and outdoor space, outlook, efficient layouts and service areas.

The clear separation between retail and commercial components of the development is a particularly positive element.

## ***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 and ensuring that the ground floor tenancies are located at the street boundary. Whilst the building architecturally addresses the street and activates the frontage visually, the future uses of the ground floor will determine the degree to which activation occurs.

## ***Social dimensions***

This principle essentially relates to design responding to the social context and needs of the local community in terms of lifestyles, affordability and access to social facilities and optimising the provision of housing to suit the social mix and provide for the desired future community. It is considered that the proposal satisfies these requirements, providing additional housing choice within the area in close proximity to public transport and potential employment opportunities.

## ***Aesthetics***

The proposed development is considered to be generally 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.

There are some important but essentially cosmetic changes required to the visual presentation of the proposal, and these are discussed in the Urban Design section of this report.

The proposed building is considered aesthetically to respond to the environment and context, contributing in an appropriate manner to the desired future character of the area.

An assessment is now provided against the numerical requirements within the Residential Flat Design code referenced in SEPP 65

## RESIDENTIAL FLAT DESIGN CODE

The proposal compares to the Residential Flat Design Code as follows:

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Building Depth	Depth should be between 10-18m	Bldg depth = 10m - 18m	Yes
Separation	<ul style="list-style-type: none"> <li>- 18m between habitable rooms/balconies.</li> <li>- 13m between habitable rooms/balconies and non-habitable rooms.</li> <li>- 9m between non-habitable rooms.</li> </ul>	<p>The bulk of the development provides appropriate internal separation of 18m.</p> <p>However, adjacent to the break in the residential portion of building 6.5m internal separation is provided.</p> <p>This is acceptable in this instance because the interfacing walls are generally solid, and the 2 windows per level provided are appropriately off-set.</p>	No – but acceptable given design solution.
Deep soil zones	Minimum of 25% of the communal open space area of a site should be a deep soil zone (136.5m <sup>2</sup> ).	148.18m <sup>2</sup> is provided as deep soil zone along the Garden Street portion of the site .	Yes
Open Space	25% - 30% of site area should be devoted to open space (747.5m <sup>2</sup> – 897m <sup>2</sup> )	18.2% (809.08m <sup>2</sup> )	Yes
Apartment Layout	Single aspect apartments should be	Single aspect apartments within	Yes

	<p>limited in depth to 8m from a window.</p> <p>The back of a kitchen should be no more than 8m from a window.</p> <p>Minimum Apartment size of 50m<sup>2</sup> for one bedroom apartments, 70m<sup>2</sup> for 2 bedroom apartments and 90m<sup>2</sup> for three bedroom apartments.</p>	<p>8m of a window.</p> <p>All Kitchens are within 8m of a window.</p> <p>All apartments comply with the minimum size requirement.</p>	<p>Yes</p> <p>Yes</p>
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All dwellings have a minimum depth of 2m.	Yes
Ceiling heights	<p>Minimum 2.7m for residential</p> <p>3.3m for retail.</p>	<p>2.7m residential</p> <p>4.3m retail</p>	Yes
Internal circulation	A maximum of 8 dwellings should be provided off a double loaded corridor or central core.	Cores provide for a maximum access to 8 dwellings per core on each level.	Yes
Storage	<p>1 bedroom 6m<sup>3</sup></p> <p>2 bedroom 8m<sup>3</sup></p> <p>3 bedroom 10m<sup>3</sup></p>	Individual storage areas nominated in basement.	Yes
Daylight Access	<p>Living rooms and private open spaces for at least 70% of apartments should receive two hours direct solar access on winter solstice</p> <p>Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units.</p>	<p>70% of dwellings will receive three hours of direct sunlight.</p> <p>6.6% of dwellings (i.e. 4 dwellings) are single aspect with a southerly orientation.</p>	<p>Yes</p> <p>Yes</p>
Natural ventilation	<p>60% of units should be naturally cross ventilated</p> <p>25% of kitchens within a development should have access to natural</p>	<p>82% of dwellings are naturally cross ventilated.</p> <p>31% of kitchens have access to</p>	<p>Yes</p> <p>Yes</p>

	ventilation.	natural ventilation.	
--	--------------	----------------------	--

The proposal therefore achieves compliance with SEPP 65.

## PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

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

COMPLIANCE TABLE		
Development standard	Yes/No	Compliance
Land Use Table – B1 Neighbourhood Business Zone	Yes	The use as amended is permissible in the B1 zone that applies to the site.
4.3 Height of Buildings  Does the building comply with the maximum building height shown for the land on the Height of Buildings Map?	No	The Height of buildings Map indicates that buildings on this site can be a maximum height of 18m above existing natural ground level.  The development has a maximum height of 18.6m.
See Clause 4.6 discussion below.		
4.4 Floor Space Ratio  Does the development comply the maximum floor space ratio shown for the land on the Floor Space Ratio Map?  The permitted FSR under the LEP is <b>2.0:1</b> (a GFA of <b>5980m<sup>2</sup></b> )	No	The proposal has a floor space ratio of <b>2.5:1</b> and a GFA of <b>7484.2m<sup>2</sup></b> .  See Clause 4.6 discussion below.
See Clause 4.6 discussion below.		
5.9 Preservation of trees.	Yes	See previous discussion on tree removal in the referral section of this report.
5.10 Heritage Conservation  Does the site contain or is it near a heritage item?	N/A	According to the Heritage Item and heritage conservation maps the subject site is not a heritage item or within a heritage conservation area.

5.10.8 Aboriginal Places of Heritage significance  What is the identified Aboriginal significance of the site?	Low	The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database. Accordingly the proposal is not considered to impact an aboriginal place of heritage significance.
6.1 Acid sulfate soils  What class of Acid Sulfate Soil does the Acid Sulfates soil Map indicate the site contains?	Class 5	The site is identified as containing class 5 Acid Sulfate Soil. In accordance with the LEP table an Acid Sulfate Soils Management plan is not required to be prepared.
6.2 Earthworks Are the earthworks associated with the development appropriate?	Yes	Council's Development engineer has reviewed the application and considers that the proposed earthworks are satisfactory.
6.3 Flood planning Is the site floodprone?	N/A	The site is not identified by council as being floodprone.

#### **4.6 Exceptions to development standards within LEP 2011**

1. The objectives of this clause are as follows:
  - (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
  - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
2. Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
3. Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:
  - (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.
4. Development consent must not be granted for development that contravenes a development standard unless:



- (a) the consent authority is satisfied that:
  - (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and
  - (ii) 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, and
- (b) the concurrence of the Director-General has been obtained.

The extent of the variations proposed is outlined in the table below:

<b>Control</b>	<b>Proposed</b>	<b>Variation</b>
4.3 Height (18m)	18.6m	3.3 % (0.6m)
4.4 Floor Space (2:1)	2.5:1	25% (1501m <sup>2</sup> )

A request for exception under clause 4.6 was lodged as the proposed development exceeds the Maximum Floor Space Ratio control defined in Clause 4.4 and the Maximum Building Height Control defined in 4.3 of the LEP.

These exceptions are considered to warrant support given application will enable the orderly development of a key site.

The applicant has provided the following justification for the non-compliances with the development standard (relevant extracts provided):

#### **Clause 4.3 – Height (applicant's justification)**

The extent of the building that varies from the standard is minor.

The principles underlying the complex's design, the site's context and the process for the variation of development standards are contained in Section 7.1 of this statement.

The variation from the height standard is largely driven by:

- the need to maintain retail facilities at the footpath level in Adderton Road;
- the 3m floor to floor height required to meet contemporary floor to ceiling heights of 2.7m, as recommended by Council;
- the topography of the site, which involves an average fall of 2.7m from Adderton Road and Garden Street; and
- the critical mass of development required to facilitate the proposed redevelopment of the existing centre.

In terms of urban design, height, bulk and scale, the proposed development:

- will substantially comply with the building height standard contained in *PLEP 2011*;
- will be consistent and integrate with the higher density residential precincts surrounding the site, Telopea Railway Station and the bus interchange;
- will not have any undue or unreasonable impact on the amenity of enjoyed by residents of surrounding properties in terms of its height, bulk, scale, overshadowing, privacy, view loss or visual impact;
- will rejuvenate and revitalise this area, eliminating older rundown shops and commercial space and at-grade parking facilities; and
- is consistent with contemporary town planning principles relating to integrating land use and transport planning, transit oriented development and increasing densities in the vicinity of public transport facilities.

Consequently, the proposal will be satisfactory and appropriate in terms of its urban design, bulk, scale and visual impact.

The section of the building that exceeds the 18m height standard is minor and inconsequential.

The proposal is, therefore, consistent with:

- the objectives of the building height standard expressed in Clause 4.3(1) of *PLEP 2011*;
- the objective of the land's zoning (see Section 4.1 of this statement); and
- the desired future character of development in this area as expressed in Section 4.1.11 of *PDCP 2011* (see Section 6.2 of this statement).

The extent of development proposed will provide the critical mass of development required to support the establishment of a viable small supermarket and other new and enhanced services and facilities designed to serve the local community.

Council has, in the past, varied development standards to achieve desirable urban design and development outcomes.

In these circumstances:

- compliance with the building height standard contained in Clause 4.3(2) of *PLEP 2011* is unreasonable and unnecessary;
- there are sufficient environmental planning grounds to justify contravening the standard;
- the proposal is consistent with the objectives of the standard contained in Clause 4.3(1) of *PLEP 2011*, despite varying from its numerical value;
- the proposal is consistent with the objectives of the B1 Neighbourhood Centre zone under the terms of the *PLEP 2011*; and
- the approval of the proposal is appropriate in accordance with Clause 4.6(3) of *PLEP 2011*.

#### **Clause 4.4 – Floor Space Ratio (applicant's justification)**

The proposal involves the redevelopment of all of the land contained in the B1 Neighbourhood Business and the consolidation of the fifteen (15) allotments comprising this neighbourhood centre into one (1) allotment.

This provides a unique opportunity to achieve a desirable urban design outcome for the development of this land adjacent to the Telopea Railway Station in a manner fostered and promoted by contemporary town planning practice which seeks to increase development densities adjacent to public transport services and to encourage increased patronage of those services.

The extent of development needed to make the proposal economically viable, in the context of financing it, needs to take into consideration:

- the loss of income from the existing retail/commercial facilities during the development phase of between 1 to 2 years; and
- the costs associated with the extensive public domain improvement works proposed to be undertaken.

In essence, the purposes of the floor space ratio standard are:

- to control the bulk and scale of development in terms of:
  - providing a transition in built form and land use intensity;
  - respecting heritage sites and their settings;
  - reinforcing and respecting the existing character and scale of low density residential areas; and
- to ensure that there is sufficient capacity in the surrounding utility service infrastructure to accommodate the extent of development to occur.

In terms of urban design, height, bulk and scale, the proposed development:

- will substantially comply with the building height standard contained in *PLEP 2011*;
- will be consistent and integrate with the higher density residential precincts surrounding the site, Telopea Railway Station and the bus interchange;
- includes a significant part of its gross floor area, i.e. the 1,400m<sup>2</sup> supermarket, below the land's Adderton Road level and masked from view from the public domain and surrounding residential properties, thereby not perceptibly adding to the bulk and scale of the development;
- will significantly enhance the streetscape quality and public domain areas in this area as a result of the removal of the outdated and obsolete retail and commercial facilities in the existing centre;
- will not have any undue or unreasonable impact on the amenity enjoyed by residents of surrounding properties in terms of its height, bulk, scale, overshadowing, privacy, view loss or visual impact;
- will rejuvenate and revitalise this area, eliminating older rundown shops and commercial space and at-grade parking facilities; and
- is consistent with contemporary town planning principles relating to integrating land use and transport planning, transit oriented development and increasing development densities in the vicinity of public transport facilities.

Consequently, the proposal will be satisfactory and appropriate in terms of its urban design, bulk, scale and visual impact.

The only relevant infrastructure issue relating to the proposed development relates to the ability of the surrounding road network to accommodate the traffic to be generated by the development.

The traffic and parking impact assessment, prepared by Ray Dowsett Traffic and Transport Planning Pty Ltd, to be submitted with the application indicates that the development is within the capability and capacity of the existing road network.

This issue will be addressed more fully in Section 7.4 of this statement.

The proposal is, therefore, consistent with:

- the objectives of the floor space ratio standard expressed in Clause 4.4(1) of *PLEP 2011*;
- the objective of the land's zoning (see Section 4.1 of this statement); and
- the desired future character of development in this area as expressed in Section 4.1.11 of *PDCP 2011* (see Section 6.2 of this statement).

The extent of development proposed will provide the critical mass of development required to support the establishment of a viable small supermarket and other new and enhanced services and facilities designed to serve the local community.

Council has, in the past, varied development standards to achieve desirable urban design and development outcomes.

In these circumstances:

- compliance with the floor space ratio standard contained in Clause 4.4(2) of *PLEP 2011* is unreasonable and unnecessary;
- there are sufficient environmental planning grounds to justify contravening the standard;
- the proposal is consistent with the objectives of the standard contained in Clause 4.4(1) of *PLEP 2011*, despite varying from its numerical value;
- the proposal is consistent with the objectives of the B1 Neighbourhood Centre zone under the terms of the *PLEP 2011*; and
- the approval of the proposal is appropriate in accordance with Clause 4.6(3) of *PLEP 2011*.

It is considered that this 4.6 variation requests address the matters required by Clause 4.6(3) of LEP 2011 being:

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

### **Consent Authority Assessment of Proposed Variation**

In assessing an exception to vary a development standard, the following needs to be considered by the consent authority:

1. *Is the planning control a development standard?*

Clause 4.3 and Clause 4.4 are development standards.

2. *What is the underlying object or purpose of the standard?*

The relevant objects or purposes of Clause 4.3 is to nominate heights that will provide a transition in built form and land use intensity within the area covered by this plan, to minimise visual impact, disruption of views, and loss of solar access to existing developments, to require the height of future buildings to have regard to heritage sites and their settings, to ensure the preservation of historic views, and to reinforce and respect the existing character and scale of low density residential areas.

The relevant objects or purposes of Clause 4.4 is to regulate density of development, and the generation of vehicular or pedestrian traffic, to provide a transition in built form within the area covered by the plan, to require the bulk and scale of future buildings to have regard to heritage sites and their settings, and to reinforce and respect the existing character and scale of low density residential areas.

3. *Is the proposal 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?*

#### **4.3. Height**

The proposed variation is extremely minor and results from the slope of the site. As outlined elsewhere in this report, the proposed height variation of 600mm will not have a significant visual impact as high density development, will not disrupt any significant views, and will not unreasonably impact on the privacy and solar access enjoyed by adjacent properties.

The site is not located near any heritage item or historic view corridor, and as all land surrounding the site is zoned for high density residential development, the proposal will not impact on any low density residential area.

Accordingly, the proposal is consistent with the objectives the height control as outlined in Clause 4.3 of the LEP.

#### 4.4 Floor Space Ratio

The overall development will provide a strong interface to Telopea Railway Station as envisaged by the Telopea Precinct controls of DCP 2011, and will incorporate measures to manage any traffic impacts resulting from the proposal. The proposal provides adequate parking in accordance with DCP 2011. The site is not in proximity of any heritage item or historic view, and the site is surrounded by land zoned for high density residential development of comparable scale.

The proposal is therefore consistent with the objectives of the control.

#### Compatibility of proposal with zone objectives

In terms of zoning, the property is an island B1 Neighbourhood Centre zone. The objectives of the zone are:

- *To provide small-scale retail, business, and community uses that serve the needs of people who live and work in the surrounding neighbourhood*

The proposal will provide a supermarket use that will principally serve the high density housing in its immediate vicinity.

The proposal is not inconsistent with the objectives of the zone.

#### 4. *Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?*

The intent of the planning controls around the site are to achieve a strong and prominent interface along Adderton Road to Telopea Station, thus providing a sense of arrival currently lacking in the station precinct.

The proposal provides a strong edge to the western side of Telopea Station.

The variation to the maximum gross floor area control, while substantial, does not result in increased height of the development and does not unreasonably impact on surrounding uses in terms of privacy, or shadowing and the proposal provides a satisfactory level of amenity for the residential portion of the development.

The most significant impacts from the proposal are related to the supermarket use (i.e traffic, service vehicle requirements, and the strong northern, western and southern facades of the proposal at ground level), and are not in themselves a result of the amount of gross floor area proposed.

In terms of height, the variation is minor and will not be discernible from the public domain.

Given the above it is considered that requiring compliance in this case is unreasonable and unnecessary.

This development results in the complete renewal of a shopping precinct that is currently run down. The renewal of the entire shopping precinct at once rather than the piecemeal redevelopment of an ageing center is consistent with the zone objectives and is in the public interest.

5. *Are the exceptions well founded?*

It is considered that the exceptions are satisfactory given the circumstances of the site, the specific objectives that apply to the site, and given the design quality of the proposal.

## Zone Objectives

The objectives of the B1 Neighbourhood Business zone include:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.

The proposed development is consistent with the aims and objectives of the B1 Neighbourhood Business zoning applying to the land as the proposed works will provide businesses that will serve the needs of the immediate local community.

## DEVELOPMENT CONTROL PLANS

### PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

The proposal compares to the provisions of DCP 2011 in the following manner:

Development Control	Proposal	Compliance
Site Considerations		
2.4.1 Views and Vistas Development is to preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in Appendix 2 Views and Vistas.	The site is not identified as having views and vistas identified as being significant by either Appendix 2 nor is located in the Harris Park Conservation Area.	Yes
2.4.2.3 Protection of Groundwater  Is a basement carpark proposed?  If yes does the site require dewatering to facilitate this?	The proposal includes a basement car park however there is no evidence that the site will require dewatering.	Yes
2.4.3.1 Soil Management Are there adequate erosion control	An erosion and sedimentation plan has	Yes

measures?	been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.	
<p>2.4.3.3 Salinity</p> <p>Is the site identified as being of moderate or high salinity potential or of known salinity by the 'Salinity Study Map for Western Sydney 2006'?</p>	The landscaping is appropriate for the salinity hazard and appropriate conditions have been included in the recommended conditions to ensure that appropriate construction techniques are utilised to ensure the structural integrity of building work is not compromised.	Yes
<p>2.4.5 Air Quality</p> <p>Have appropriate controls been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?</p>	Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised.	Yes
<p>2.4.6 Development on Sloping Land</p> <p>Does the design of the development appropriately respond to the slope of the site?</p>	<p>The development responds to the slope of the land by setting the upper level building back from the rear setback.</p> <p>The proposal is taller at the rear compared with the front of the development, however this is largely due to the need to provide a flat floorplate for the proposed supermarket.</p> <p>It is considered that in that context the proposal reasonably responds to the slope of the site.</p>	Yes



<p>2.4.7 Biodiversity</p> <p>Is vegetation removal appropriate?</p> <p>Does the landscape plan incorporate indigenous planting listed in Appendix 3?</p>	<p>Council's landscape officer has reviewed the application and advises that vegetation removal is appropriate, the landscape plan is appropriate and that a Statement of Flora/ Fauna Impact is not required.</p>	<p>Yes</p>
<p>2.4.8 Public Domain</p> <p>Does the building appropriately address the public domain?</p> <p>Does the development provide appropriate passive surveillance opportunities?</p> <p>Have appropriate public domain enhancements including street tree planning, footpath construction or reconstruction been included as conditions of consent?</p>	<p>The development provides adequate address to the public domain along Adderton Road, and will permit passive surveillance of the public domain.</p> <p>A condition will be imposed to require the planting of substantial street trees around the site, and additionally the placement of powerlines around the site underground will be required by condition (the local infrastructure provider have been notified of Council's intention to impose this condition and no objection has been raised).</p> <p>The renewal of the footpath in front of the site will also be required.</p>	<p>Yes - Subject to conditions</p>
<p>3. Preliminary Building Envelope</p>		
<p>Frontage</p> <p>Minimum 18m where the development exceeds 10m in height.</p>	<p>85.36m to Adderton Road and Telopea Street, with secondary frontages to Garden Street and Robert Street</p>	<p>Yes</p>

<p>Front Setback</p> <p>In accordance with the Telopea Precinct Control a nil primary front setback applies to the first 3 storeys of the development along Adderton Road, Telopea Street, Robert Street and part of Garden Street (along the northern edge of the site)?</p> <p>Are levels above the first 3 storeys setback 3m from the front boundary?</p> <p>Is a secondary frontage setback of 0-3m provided to Garden Street (along the western side of the site)?</p>	<p>Generally a nil setback is provided along the specified frontages, with stepping only provided for balconies and where required by angular boundary lines.</p> <p>The development has a variable setback along Adderton Road and Telopea Street, and it encroaches at a number of points into the 3m upper level setback. Setbacks along Garden Street are compliant, whereas along Robert Street a 2.5m setback is provided.</p> <p>3m setback provided along Garden Street as it runs along the western edge of the site.</p>	<p>Yes.</p> <p>No</p> <p>Yes</p>
<p><u>Upper level setback</u></p> <p>The proposal does not fully comply with the upper level setbacks for the building. In part, this is due to the irregular alignment of the boundaries along the edges of the site which make upper level floor planning difficult, but also arises from the provision of the central podium courtyard which is a positive aspect of the design.</p> <p>Given the encroachments are minor in the overall scheme, and will have limited visual impact, it is considered that these are acceptable in this instance.</p>		
<p>Side Setbacks and rear setbacks</p> <p>The site does not have side or rear setbacks</p>	<p>N/A</p>	<p>N/A</p>
<p>Deep Soil/landscape zone</p> <p>Not Required under DCP 2011</p>	<p>A 3m deep soil zone strip is provided along the rear of the site.</p>	<p>Yes</p>
<p>Special Precincts?</p> <p>Is the site located within a <b>town or</b></p>	<p>The site is located within</p>	<p>Yes –see</p>

<p><b>neighbourhood centre</b> where site specific controls contained in section 4.1 have been prepared?</p>	<p>the Telopea Precinct.</p> <p>The site specific setback requirements have been previously considered.</p> <p>The proposal is consistent with the objectives of the zone as it will provide extension of the existing commercial floor space and shop top housing.</p> <p>The other requirements are outlined below</p>	<p>below</p>
<p>Ground level uses along Adderton Road, Telopea Street, Garden Street (along the northern edge of the site) and Robert Street Terrace to be at grade, active, and non-residential.</p>	<p>The ground floor frontage along Adderton Road and Telopea Street will be active.</p> <p>The slope of the land front to rear on the site, and the fact that the proposal incorporates a proposal for a supermarket significantly constrains opportunities for activation on the other identified frontages, however the use of glazing along Robert Street should provide for some relationship between the supermarket use and the road. Given the constraints and residential setting of Garden Street, the non-activation of Garden Street is considered appropriate.</p>	<p>No – but acceptable given non-compliance is an unavoidable consequence of the proposed supermarket.</p>
<p><b>3.2. Building Elements</b></p>		
<p><b>3.2.1 Building Form and Massing</b> Are the height, bulk and scale of the proposed building consistent with the building patterns in the street?</p>	<p>The height, bulk and scale of the proposal is consistent with larger</p>	<p>Yes</p>

	<p>development forms in the vicinity of the site (e.g. the public housing towers on the eastern side of the Carlingford Rail Line).</p> <p>It is noted that existing development on the site is of a different character to surrounding sites by virtue of the zoning of the site and the zoning of adjoining properties.</p>	
<p>3.2.2 Building Façade and Articulation</p> <p>Are the building facades modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture?</p> <p>Are Multiple stair lift/cores provided to encourage multiple street entries?</p>	<p>The building is appropriately modulated in plan and elevation to minimize its appearance of bulk. A key element of this is the split in the upper portion of the building.</p> <p>Multiple access and entry points are provided via two lift wells and lobbies for residents, and separate a separate entrance point is provided for the supermarket.</p>	<p>Yes</p> <p>Yes</p>
<p>3.2.3 Roof Design</p> <p>Does that roof form minimise the bulk and scale of the building?</p> <p>Does the roof form respond to the local context, in particular scale and pitch?</p>	<p>The proposed roof design minimizes the sense of bulk and scale projected by the building and responds suitably to its context.</p>	<p>Yes</p>
<p>3.2.5 Streetscape</p> <p>Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale?</p>	<p>The development responds appropriately to the existing character in the locale. The site is a key and prominent site containing the bulk of retail floor area in the</p>	<p>Yes</p>

<p>Do parking structures dominate the building façade and front setback?</p>	<p>vicinity of Telopea Station and its form reflects this local role.</p> <p>Given the proposed use mix for the development, the rear side of the development will be dominated by parking and service access points. Given the use mix proposed, and the nature of the site, this is unavoidable and measures including substantial landscaping and landscape treatment for the rear wall of the development.</p>	<p>No – but reasonable measures proposed to limit the visual impact.</p>
<p>Are the mail boxes visually integrated within the built form?</p> <p>Are mail boxes located for convenient access by residents and deliverers?</p>	<p>The mail boxes are suitably located within the residential lobbies for the benefit of deliverers and residents, and are integrated into the form.</p>	
<p>Ground frontage to provide for active uses</p>	<p>The ground floor provides an active frontage along Adderton Road and Telopea Street. It is acknowledged that activation will be limited along Garden Street and Robert Street, but this is a consequence of the proposed supermarket footprint.</p>	<p>Yes</p>
<p>Ground floor shopfronts to use minimal solid walls, and are to be divided into discreet sections to maintain a human-scale appearance.</p>	<p>The proposal incorporates a commercial area. This area is capable of being subdivided into separate retail tenancies if the</p>	<p>Yes</p>

Continuous awnings are to be provided.	<p>proposed supermarket use does not eventuate.</p> <p>An awning is provided along the street edge of Adderton Road, Telopea Street and Robert Street. An awning is not provided along Garden Street. Given the residential character of the street no objection is raised to this.</p>	No
<b>3.3 Environmental Amenity</b>		
<b>3.3.1 Landscaping</b> Are Natural features on the site such as trees, rock outcrops, indigenous species and vegetation communities retained and incorporated into the design of the development?	The site has no natural features that warrant retention.	N/A
<b>3.3.2 Private Open Space</b> Is a minimum of 10m <sup>2</sup> of private open space with minimum dimensions of 2.5m?	<p>All units except units 6, 22 , 28, 50 and 51 have at least 10m<sup>2</sup> with minimum dimensions of 2.5m to the primary units.</p> <p>These private open space areas are all so located that expansion to the required size is possible and a condition is recommended in that regard.</p>	Condition
<b>3.3.2 Common Open Space</b> Is a minimum of 10m <sup>2</sup> (600m <sup>2</sup> total) of COS provided per dwelling?	603.47m <sup>2</sup>	Yes
<b>3.3.3 Visual Privacy</b> Do balconies face the street or another element of the public domain such as a park?	<p>Balconies face the street or the central common courtyard.</p> <p>The building is separated by Garden Street from all nearby residential uses, the road reserve of which has an approximate width of 16m. The lowest level of</p>	Yes

	residential is also 8-10 metres above street level meaning that there will be no close or direct views to surrounding sites.	
<p>3.3.4 Acoustic Amenity</p> <p>Are the dwellings located in proximity to noise-generating land uses such as major roads and rail corridors?</p>	<p>The application is accompanied by a report by an acoustic specialists which finds that if appropriate measures are employed the site the acoustic impact of the supermarket and the Carlingford Rail line are able to be accommodated.</p> <p>It is noted that the site also reports, however that air-conditioners may exceed the recommended noise criteria. Conditions will be imposed requiring that appropriate measures be employed to limit the noise from any air conditioners installed to within acceptable parameters.</p> <p>A condition is also included in the recommendation requiring that the development once completed is certified by an acoustic specialist as meeting the acceptable noise parameters.</p>	Condition
<p>3.3.5 Solar Access</p> <p>Do all dwellings receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</p>	<p>In accordance with the requirements RFDC for dense urban development, 70% of units will receive 2 hour's sunlight on June</p>	No – but consistent with RFDC standards.

<p>Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June?</p> <p>Are living areas, such as kitchens and family rooms located on the northern side of dwelling with service areas such as laundries and bathrooms to the south or west?</p>	<p>21. The remaining units are located on the southern side of the buildings and given the high density nature of the proposal, these units cannot achieve 3 hours solar access in mid-winter.</p> <p>The proposal will cast shadow onto 1 and 4 Robert Street, 47 Adderton Road and 9-11 Garden Street.</p> <p>Of these, all will maintain 3 hours solar access with the exception of the building at 47 Adderton Road.</p> <p>This building will receive 2 hours solar access in mid-winter which is consistent with the RFDC standard for flat buildings in high density areas.</p> <p>Living areas are located to the northern aspect where that is possible.</p>	<p>No – but consistent with RFDC standards.</p> <p>Yes</p>
<p>Cross Ventilation</p> <p>Is the minimum floor to ceiling height 2.7m?</p> <p>Are 80% of dwellings naturally cross ventilated?</p> <p>Are single aspect apartments limited in depth to 8m from a window?</p>	<p>2.7m</p> <p>80% of units are naturally cross ventilated, all unit depths from windows comply, and the building depth complies.</p>	<p>Yes</p>



Des the building have a maximum depth of 18m?		
<p>3.3.6 Water Sensitive Urban Design</p> <p>Is the on-site detention system appropriately designed to minimise and control nuisance flooding and to provide safe passage for less frequent floods?</p> <p>Does the development contain more than 5 dwellings?</p> <p>If yes has a WSUD plan that achieves the pollution reduction targets outlined in table 3.30 been prepared?</p>	<p>The submitted stormwater system does not include WSUD, however Council's Development Engineer considers that this can be provided by way of condition.</p>	Condition
<p>3.3.7 Waste Management</p> <p>Is the waste management plan satisfactory?</p> <p>Is the bin room appropriately sized for the number of bins required?</p>	<p>The Waste Management Plan is satisfactory, detailing the types and amounts of waste that will be generated by the development and the methods of removal and disposal and is satisfactory. Waste storage is in the basement.</p>	Yes
<b>3.4 Social Amenity</b>		
<p>3.4.4 Safety and Security</p> <p>Has the development been designed in accordance with crime prevention principles?</p> <p>Are the building entries orientated to the street?</p> <p>Are habitable rooms located at the front of dwellings?</p>	<p>The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The dwellings face towards the street or open space areas, promoting natural surveillance from within the units to the public domain. Where possible street activation is also provided to minimise opportunity for undesirable conduct.</p>	Yes

<p><b>3.4.5 Housing Diversity and Choice</b></p> <p>Is the unit mix in accordance with the following:</p> <p>The following mix is to be used as a guide for residential flat buildings, the residential component of mixed use developments:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> 3 bedroom 10% - 20%</li> <li><input type="checkbox"/> 2 bedroom 60% - 75%</li> <li><input type="checkbox"/> 1 bedroom 10% - 20%</li> </ul> <p>Have adaptable dwellings been provided in accordance with the following ratio:</p> <p>Total no. of dwellings in development No. of adaptable dwellings required</p> <p>Less than 10 =1</p> <p>10-20 = 2</p> <p>more than 20 = 10%</p>	<p>The provided unit mix is as follows:</p> <p>1 Bedroom (12) – 20%</p> <p>2 bedroom (40)-66.67%</p> <p>3 bedroom (8)– 13.3%</p> <p>6 adaptable units are required. 8 are provided.</p>	<p>Yes</p> <p>Yes</p>
<p><b>3.6 Parking Provision</b></p>		
<p>Is parking provided in a basement carpark at the following minimum rates?</p> <p>1 space per 1 bedroom unit</p> <p>1 per 2 bedroom unit</p> <p>1.2 spaces per 3 bedroom unit</p> <p>Plus 0.25 space per dwelling for visitor parking</p> <p>A car wash bay which may also be a visitor space</p> <p>1 space per 30m<sup>2</sup> retail area</p> <p>Is 1 bicycle parking space provided per 2 units?</p> <p>1 per 200m<sup>2</sup> retail?</p> <p>Loading area required</p> <p>1 car share space required</p>	<p><i>Car</i></p> <p>1 bd = 12</p> <p>2bd = 40</p> <p>3bd = 12</p> <p>Visitor =15</p> <p>Commercial = 76</p> <p>Total = 64 resident</p> <p>15 visitor</p> <p>76 Retail</p> <p>(total= 155)</p> <p>Proposed on site = 155</p> <p><i>Bicycle</i></p> <p>30 for residential</p> <p>12 for retail</p> <p>(42)</p> <p>Proposed: 27</p> <p>There is adequate space for the remainder of 15 to be provided and conditions will be imposed in this regard</p> <p>A loading area is proposed on the site.</p> <p>Not provided. A</p>	<p>Yes</p> <p>Condition</p> <p>Yes</p> <p>Condition</p>

	condition will require this be provided on CC plans. It is considered adequate space is available to accommodate this.	
--	--	--

The proposal is therefore considered to achieve satisfactory compliance with the provisions of DCP 2011.

## **PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008**

As the cost of works for the residential flat building exceeds \$100,000 a Section 94A development contribution **1.0%** is required to be paid. A Quantity Surveyor who is a member of the Australian Institute of quantity Surveyors prepared a Quantity Surveyors Report which **did not** detail any exemptions. Accordingly, the Section 94A contributions will be calculated on the value of **\$22,957,122**.

A standard condition of consent has been imposed requiring the contribution to be paid prior to the issue of a Construction Certificate.

## **BONDS**

In accordance with Council's 2014/2015 Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site.

## **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**

Applicable Regulation considerations including demolition, fire safety, fire upgrades, compliance with the Building Code of Australia, compliance with the Home Building Act, PCA appointment, notice of commencement of works, sign on work sites, critical stage inspections and records of inspection have been addressed by appropriate consent conditions.

## **LIKELY IMPACTS**

### **Social & Economic Impact**

It is considered that the proposed development will complement the locality. 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**

Submissions from 33 properties were received in response to the notification of the application. The issues raised within these submissions have been discussed within this report.

The proposed development is not contrary to the public interest.

## **Conclusion**

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, while it is acknowledged that the proposal seeks a substantial variation to floor space, and will result in additional amenity impacts from traffic in Garden Street, it is considered that the application facilitates the renewal of the existing commercial precinct and provides an acceptable design solution for the site. It is therefore recommended that the application be granted deferred commencement consent (to address the matters identified by Transport – Sydney Trains).

## **Recommendation**

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

### **APPROVAL SUBJECT TO CONDITIONS**

- (a) **That** the JRPP support the variations to Clause 4.3 and 4.4 of the PLEP 2011 under the provisions of clause 4.6.
- (b) **That** the JRPP as the consent authority determine Development Application No. DA/168/2013 for the demolition, tree removal and construction of a part 5 and part 6 storey mixed use development containing one retail tenancy, a supermarket tenancy, and 60 residential apartments over 3 levels of carparking by granting a “deferred commencement” consent under Section 80(3) of the Environmental Planning and Assessment Act 1979.

Upon strict compliance with all conditions appearing in Schedule 1 and with the issue of confirmation to that effect in writing from Council, the “deferred commencement”

consent shall revert to development consent, inclusive of all conditions appearing in Schedule 2, pursuant to Section 80(1) of the Act.

### **Schedule 1**

Pursuant to the provisions of Section 80(3) of the Environmental Planning and Assessment Act, 1979, the development application be granted a Deferred Commencement Consent subject to completion of the following:

1. This consent is not to operate until the Applicant satisfies Parramatta City Council, within 24 months of the date of this consent, that it has obtained approval/certification from Sydney Trains as to the following matters and the approval/certification has been forwarded to the Council:

The Applicant shall prepare and provide to Sydney Trains for approval/certification the following items:

1. Final Geotechnical and Structural report/drawings that meet Sydney Trains requirements. The Geotechnical Report must be based on actual borehole testing conducting on the site closest to the rail corridor.
2. Final Construction methodology with construction details pertaining to structural support during excavation.
3. Final cross sectional drawings showing ground surface, rail tracks, sub soil profile, proposed basement excavation and structural design of sub ground support adjacent to the Rail Corridor. All measurements are to be verified by a Registered Surveyor.
4. Detailed Survey Plan showing the relationship of the proposed developed with respect to Sydney Trains land and infrastructure.
5. If required by Sydney Trains, an FE analysis which assesses the different stages of loading-unloading of the site and its effect on the rock mass surrounding the rail corridor.

Any conditions issued as part of the Sydney Trains approval/certification of the above documents will also form part of the consent conditions that the Applicant is required to comply with.

**Reason:** To satisfy the requirement of Transport – Sydney Trains and protect rail infrastructure from construction works.

The applicant must provide the above appropriate documentary evidence to the satisfaction of Council within 24 months of the date of this determination or the consent will lapse.

Upon compliance with the above requirements, a full consent will be issued subject to the following conditions as well as conditions that result from satisfying the deferred commencement requirements:

## Schedule 2

### 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 No.	Prepared by	Dated
Plan titled Basement 2 Plan Sk2l	Brooks Project Architects	27 August 2012
Plan titled Basement 1 Plan Sk3l	Brooks Project Architects	27 August 2012
Plan titled Basement 1 Mezzanine Plan Sk4n	Brooks Project Architects	27 August 2012
Plan titled Level 1 Plan Sk5p	Brooks Project Architects	27 August 2012
Plan titled Level 2 Plan Sk6o	Brooks Project Architects	27 August 2012
Plan titled Level 3 + 4 Plan Sk7n	Brooks Project Architects	27 August 2012
Plan titled Level 5 Plan Sk8m	Brooks Project Architects	27 August 2012
Elevation titled Elevation West + South Sk9l	Brooks Project Architects	27 August 2012
Elevation titled Elevation North + East Sk10l	Brooks Project Architects	27 August 2012
Plan titled Roof Plan Sk13b	Brooks Project Architects	27 August 2012
Plan titled Alignment Plan Sk20b	Brooks Project Architects	27 August 2012
Lower Ground Landscape sheet 1-2 Issue C	ULP Urban Landscape Planners	25 January 2013
Level 2 Landscape sheet 2-2 Issue C	ULP Urban Landscape Planners	25 January 2013
Stormwater Drawings Plan job 12664 SW-01, 2, 3, 4, 5, 6, 7, 8, 9, and 10 10 revision C (Concept only)	Sparks and Partners	January 2013

BASIX Certificate 471359M03	Gradwell Consulting	8 September 2014
Traffic and Parking Impact Assessment Project 1447	Ray Dowsett Traffic and Transport Planning	8 September 2014
<b>Document(s)</b>	Day Design	6 February 2014
Rail Noise and Vibration Report 5015-1-1R	Day Design	28 March 2013
Stage 1 Supplementary Environmental Site Assessment reference DL3102_S000692	DLA Environmental	May 2013
Supplementary letter clarifying Environmental Site Assessment	DLA Environmental	18 October 2013
Waste Management Plan	Brooks Project Architects	21 March 2013
SEPP 65 Report	Peter Brooks	25 March 2013
Initial Geotechnical Site Assessment	Coffey geotechnics	10 December 2012
Arboriculture Impact Assessment Report ref 01/2013	ULP Urban Landscape Planners	Undated

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

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

2. 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.

3. Trees to be removed are:

Tree No	Name	Common Name	Location
4	<i>Melaleuca quinquenervia</i>	Broad-leaved Paperbark	Refer to arborist report
5	<i>Cedrus deodara</i>	Himalayan Cedar	Refer to arborist report
6	<i>Melaleuca quinquenervia</i>	Broad-leaved Paperbark	Refer to arborist report
7-8	<i>Ligustrum lucidum</i>	Broad-leaved Privet	Refer to arborist report
9	<i>Melia azederach</i>	Chinese Elm	Refer to arborist report
10	<i>Ligustrum lucidum</i>	Broad-leaved Privet	Refer to arborist

			report
11	<i>Pittosporum undulatum</i>	Native Daphne	Refer to arborist report
12	<i>Cinnamomum camphora</i>	Camphor laurel	Refer to arborist report
13	<i>Jacaranda mimosifolia</i>	Jacaranda	Refer to arborist report
15	<i>Melaleuca linariifolia</i>	Snow in summer	Refer to arborist report
16	<i>Macadamia integrifolia</i>	Macadamia	Refer to arborist report
17-18	<i>Ligustrum lucidum</i>	Broad-leaved Privet	Refer to arborist report
19	<i>Citrus sp.</i>	Citrus	Refer to arborist report
20	<i>Ligustrum lucidum</i>	Broad-leaved Privet	Refer to arborist report
23	<i>Citrus sp.</i>	Citrus	Refer to arborist report
24	<i>Olea europea</i>	African olive	Refer to arborist report
26	<i>Camellia japonica</i>	Camellia	Refer to arborist report
27	<i>Morus nigra</i>	Mulberry	Refer to arborist report

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

4. The following street trees are to be retained unless alternative replacement trees are approved under the Public Domain Plan:

Tree No	Name	Common Name	Location	DBH Diameter at breast height (mm)	Tree Protection Zone (m)
1	<i>Jacaranda mimosifolia</i>	Jacaranda	Refer to arborist report	250/350	Refer to tree protection plan
2	<i>Jacaranda mimosifolia</i>	Jacaranda	Refer to arborist report	370	Refer to tree protection plan
3	<i>Jacaranda mimosifolia</i>	Jacaranda	Refer to arborist report	400	Refer to tree protection plan
14	<i>Melaleuca linariifolia</i>	Snow in summer	Refer to arborist report	300	Refer to tree protection plan
21	<i>Melaleuca linariifolia</i>	Snow in summer	Refer to arborist report	350	Refer to tree protection plan
22	<i>Melaleuca linariifolia</i>	Snow in summer	Refer to arborist report	400	Refer to tree protection plan
25	<i>Melaleuca linariifolia</i>	Snow in summer	Refer to arborist report	300/400	Refer to tree protection plan



- Reason:** To protect significant trees which contribute to the landscape character of the area.
5. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.  
**Reason:** To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.
6. 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.
7. All roof water and surface water is to be connected to an approved drainage system complying with Council's specifications and policy requirements.  
**Reason:** To ensure satisfactory stormwater disposal.
8. 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
9. No modifications may be made to that approved design without the consent of Sydney Trains.  
**Reason:** To ensure that the application does not impact on Sydney Trains assets.
10. No work is permitted within the rail corridor, or rail easements, at any time unless prior approval or an Agreement has been entered into with Sydney Trains.  
**Reason:** To ensure that the application does not impact on Sydney Trains assets.
11. Drainage is not to be discharged into the rail corridor  
**Reason:** To protect Sydney Trains assets.
12. Copies of any certificates, drawings or approvals given to or issued by Sydney Trains must be submitted to Council for its records.  
**Reason:** Management of Records
13. Approval is granted for the demolition of **all buildings and outbuildings** currently on the property, subject to compliance with the following:-
- a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - *Demolition of Structures*. **Note:** Developers are reminded that WorkCover requires that all plant and

equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.

- b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
- c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
- d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos and demolition works must at all times comply with its requirements.
- e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9806 5050. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
- f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.
- g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" **and** a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- i) Demolition is to be completed within 5 days of commencement.

- j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- l) A pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
  - (i) Proposed ingress and egress of vehicles to and from the construction site;
  - (ii) Proposed protection of pedestrians adjacent to the site;
  - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- n) Before demolition works begin, adequate toilet facilities are to be provided.
- o) After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – *Demolition of Structures*.
- p) Within 14 days of completion of demolition, the applicant must submit to Council:
  - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
  - (ii) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials; and
  - (iii) Payment of a fee for inspection by Parramatta Council of the demolition site prior to commencement of any demolition works and after the completion of the demolition works.

**Reason:** To ensure demolition works are appropriately carried out.

#### **Prior to the Issue of a Construction Certificate**

- 14. Plans submitted with the Construction Certificate stage must incorporate the following amendments:
  - (a) All bathroom/ensuite windows are to have frosted glass;
  - (b) A floor to ceiling height of at least 3.3m is to be clearly notated for the retail floor;
  - (c) A floor to ceiling height of 2.7m is to be notated for all residential floors without increasing the height of the building;
  - (d) An amended schedule of finishes, approved in writing by Council's Urban Designer, is to be submitted to the Principal Certifying Authority;
  - (e) The large ground floor window on the ground floor, south elevation is to be broken up into different elements, with vertical framing elements or mullions aligning with the framing of the balcony of the residential building above;

- (f) The ground floor plan is to be amended to show all windows included on the western elevation;
- (g) The ground floor is to be amended to provide at least 10% of the length of the western wall of that floor being glazed.
- (h) The vertical planting on the western elevation is to be modified that the southern most vertical planting element is at least 10m wide; and the two remaining vertical planting components are increased in width by 3m.
- (i) Parking for 42 bicycles is to be provided within the site. Some bicycle parking may be provided in the podium common open space area.
- (j) Details for the storage of trolley bays within the retail car park for the storage of at least 60 trolleys. These storage areas are not to reduce carparking or impede manouvering within the carpark.

**Reason:** To comply with DCP 2011 and improve the design scheme.

15. The final Landscape Plan must be consistent with the landscape plan prepared by ULP dated 21/8/2014 together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:

- (a) Replacement of proposed *Eucalyptus resinifera* with *Pyrus calleryana* 'Chanticleer'.
- (b) Replacement of proposed *Lophostemon confertus* with *Elaeocarpus reticulatus* 'Prima Donna'
- (c) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.

The final landscape plan is to be consistent with the public domain plan to be approved by Council at Construction Certificate stage, and where there is an inconsistency the public domain plan is to prevail.

**Reason:** To ensure that appropriate landscaping is implemented.

16. The applicant is to provide traffic facilities, footpath widening and parking restrictions, as follows:

- 2 raised thresholds (1 to be installed to the south of Robert Street and the other to be installed to the north of Telopea Street) in Adderton Road with associated line marking and signposting in accordance with the RMS and Austroads guidelines. Detailed design plans are to be submitted to Council for consideration by the Parramatta Traffic Committee and final approval by Council and RMS prior to issue of the construction certificate.
- Footpath widening and kerb realignment on the west side of Adderton Road, immediately south of Robert Street. Detailed design plans are to be submitted to Council for consideration by the Parramatta Traffic Committee and final approval by Council and RMS prior to issue of the construction certificate.
- The footpath in Adderton Road frontage of the site between Robert Street and Telopea Street is to be widened by 3m from the existing kerb and gutter in accordance with Council and RMS requirements. The footpath on the east side of Adderton Road between Robert Street and Telopea Street is to be widened by up to 3m from the existing kerb and gutter in accordance with Council and RMS requirements. Detailed design plans are to be submitted to Council for consideration by the Parramatta Traffic

Committee and final approval by Council and RMS prior to issue of the construction certificate.

- The Australia Post box is to be relocated from its existing location on the west side of Adderton Road in consultation with Australia Post to accommodate the above works.
- “No Stopping” zone restrictions are to be installed in:
  - (a) Garden Street, south/east side, from the intersection of Telopea Street to Robert Street;
  - (b) Garden Street, west side, from the intersection of Robert Street to near the bend in Garden Street to the north;
  - (c) Adderton Road frontage of the site between Robert Street and Telopea Street;
  - (d) Robert Street, north side, between Garden Street and Adderton Road

If the Parramatta Traffic Committee requires and approves alternate measures, provided that these are complied with this condition may be considered satisfied.

All approved works specified (or as approved by the Parramatta Traffic Committee) are to be completed at the developer’s cost prior to the release of any Occupation Certificate.

**Reason:** To comply with Council and RMS requirements and to improve vehicular and pedestrian safety.

**Advisory Note:** Consideration of this matter by the Traffic committee may take longer than 3 months.

17. A certificate from an appropriately qualified acoustic engineer is to be submitted to the Principal Certifying Authority prior to the issue of the construction certificate, certifying that all mechanical ventilation equipment or other noise generating plant has been designed to comply with the project specific noise emission criteria as described in the Environmental Noise Impact report no. 5015-1-2R REV prepared by Day Design Council ref; D03068871.

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

18. Prior to the issue of the Construction Certificate, the Certifying Authority shall be satisfied that the building is acoustically designed and constructed to meet the requirements of AS 2107 and the Environment Protection Authority’s Guidelines for Acoustic Privacy within premises.

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

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

19. The proponent shall submit to the Principal Certifying Authority for assessment and approval and Council for information, a Construction Noise Management Plan prior to the issue of the construction certificate as described in the NSW Department of Environment, Climate Change and

Water Interim Noise Construction Guidelines 2009. The Construction Noise Management Plan must describe in detail the methods that will be implemented during the construction phase of the project to minimise noise impacts on the community.

The Construction Noise Management Plan must include:

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

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

20. A detailed site investigation is to be prepared and carried out in accordance with the Contaminated Land Guidelines referenced in SEPP 55 is to be completed.

Where the detailed site investigation indicates contamination of the site to a level that makes it unfit for residential use, a remedial action plan accordance with the Contaminated Land Guidelines referenced in SEPP 55 is to be prepared demonstrating how the site can be made fit for the uses sought under this consent.

All documents referenced in this condition when prepared are to be submitted to Council and are to be to the satisfaction of Council.

A copy of all validation and monitoring reports are to be provided to Council's Environment and Health unit for the site remediation works identified in the remedial action plan prior to issue of a construction certificate.

**Reason:** To ensure compliance with clause 17 and 18 of State Environmental Planning Policy 55 - Remediation of Land.

**Note 1:** Depending of the extent and nature of any contamination affecting the site and the remediation works required to make the site safe for residential use, separate Development Consent may be required for the remediation works. This consent does not approve remediation works of a scale that would require Development Consent.

**Reason:** To ensure that the site is safe for residential occupation and to ensure compliance with SEPP 55

21. The existing lots are to be consolidated into one (1) lot and the plan of consolidation registered at the NSW Department of Lands. Proof of registration shall be submitted prior to issue of the **Construction Certificate**. The principal certifying Authority shall ensure that a copy of the complete set

of the registered document has been submitted to Council prior to issue of Construction certificate.

**Reason:** To ensure lots are consolidated into one lot.

22. A monetary contribution comprising **\$229,571.20** is payable to Parramatta City Council in accordance with Section 94A of the Environmental Planning and Assessment Act 1979 and the Parramatta City Council Section 94A Contributions Plan (Amendment No.3). Payment must be by EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate/ subdivision certificate [choose one]. 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. Parramatta City Council Section 94A Contributions Plan (Amendment No.3) can be viewed on Council's website at: [http://www.parracity.nsw.gov.au/build/forms\\_and\\_planning\\_controls/developer\\_contributions](http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions).

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

23. Prior to the release of the Construction Certificate by the Principal Certifying Authority, an alignment plan and public domain plan is to be approved in writing by Council's Civil Assets division. The public domain plan shall clearly indicate site levels, elevations and sections as well as explanation of all materials, paving types etc. and to include:
- Materials and finishes of all paved footpath within the road reserve in accordance with the requirements of the relevant Council public domain policy for the city centre;
  - Location, numbers and type of street tree species to be provided;
  - Details of planting procedure and maintenance;
  - The applicant shall construct public domain works to the written satisfaction of Council prior to issue of an Occupation Certificate.
  - A public domain lighting plan providing lighting along all footpaths around the site that does not impact on the amenity of neighbours.

**Reason:** To ensure that an appropriate alignment plan is approved.

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

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

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

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

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

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

26. A single master TV antenna not exceeding a height of 3.0m above the finished roof level must be installed on each building to service the development. A connection is to be provided internally to each dwelling/unit within the development.

Details of these connections are to be annotated on the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

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

27. An *Infrastructure and Restoration Administration Fee* is to be paid to Council prior to the issue of a construction certificate. The fee to be paid is to be in accordance with Council's adopted 'Fees and Charges' at the time of payment.

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

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

28. Residential building work, within the meaning of the Home Building Act 1989, must not be carried out unless the 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.

29. The Construction Certificate is not to be issued unless the Certifying Authority is satisfied 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.

30. Prior to the issue of the Construction Certificate, the applicant is to provide evidence that appropriate provision is required and has been made to accommodate broadband access to the development. The applicant is to liaise with Telstra or another telecommunications provider to determine and make provision for any relevant infrastructure at no cost to Council.

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

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

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

32. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for 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/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

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

Should a bank guarantee be lodged it must:

- a) Have no expiry date;
- b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA168/2013;
- c) Specifically reference the items and amounts being guaranteed. If a single bank guarantee is submitted for multiple items it must be itemised.

Should it become necessary for Council to uplift the bank guarantee, notice in writing will be forwarded to the applicant fourteen days prior to such action

being taken. No bank guarantee will be accepted that has been issued directly by the applicant.

Bonds must be provided as follows:

Bond Type	Amount
Nature Strip and Roadway	\$20,000
Street Tree (7 trees) Note: Fee may be reduced if public domain plan approves replacement of any of the existing street trees by \$2080 per tree not retained.	\$14,560
Street furniture (2 chairs, 2 bins)	\$8,000

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.

The dilapidation report is required to document/record any existing damage to kerbs, footpaths, roads, nature strips, street trees and furniture within street frontage/s bounding the site up to and including the centre of the road.

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

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

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

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

34. No work shall start on the storm water system until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:
- a. The final drainage plans are consistent with the Concept Drainage Plans Drainage plans SW01 Issue C, SW06 Issue B, SW09 Issue B, SW10 Issue C dated 26/08/14 prepared by Sparks and partners Consultant Engineers and the requirements of the conditions of this development consent.
- Note:** The reference Concept Plans are concept in nature only and not to be used for construction purposes as the construction

drawing. Rectified Stormwater plan addressing all the issues and notes marked on the approved stormwater plan shall be prepared with details, and submitted with the application for Construction Certificate to the Principal Certifying Authority for approval.

- b. The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and stormwater Drainage Guidelines.
- c. The design achieves
  - The design achieves a Site Storage Requirement of 285 m<sup>3</sup>/ha and a Permissible Site Discharge of 160 L/s/ha (as per 3<sup>rd</sup> edition of UPRCT's handbook).
  - When using the Extended/Flood detention method (4<sup>th</sup> edition of UPRCT's handbook), the Site Reference Discharge (Lower Storage), SRD<sub>L</sub> of **40** l/s/ha, Site Storage Requirement (Lower Storage) SSR<sub>L</sub> of **262** m<sup>3</sup>/ha and Site Reference Discharge (Upper Storage), SRD<sub>U</sub> of **150** l/s/ha, Site Storage Requirement (Total) SSR<sub>T</sub> of 415m<sup>3</sup>/ha as per the submitted OSD calculation.
  - The drainage engineer is to certify that the required volume is provided in the OSD tank.
  - The OSD tank is to be certified by a practicing structural engineer to be structurally adequate to carry the designated live load.
  - The overflow path from on-site detention tank onto the street is not to be blocked by the proposed landscaping, alternatively an outlet pipe bypassing the orifice plate in the tank is to be provided. This issue is to be addressed and shown on the relevant final landscape plan and the final drainage plan to the satisfaction of the Principal Certifying Authority.
  - Provide a minimum two grated access to the on-site detention tank confined space for ventilation, this matter shall be shown on the drainage plan.
  - The Drainage Design Summary sheet (Form B1) shall be completed and accompanying the submission of the Construction Certificate to Council. The engineering drainage calculations shall be certified by the drainage engineer.
  - Provide a longitudinal section of the outlet drainage pipe from the on-site detention tank to the grated drainage pit in the street.

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.

35. In accordance with the requirements of Section 3.3.6 of the Parramatta Development Control Plan 2011, a Water Sensitive Urban Design Plan (WSUD) is required to be prepared prior to the release of the Construction

Certificate and to the satisfaction of the Principal Certifying Authority. The Site Stormwater Management Plan (SSMP) incorporating water sensitive urban design measures is required to include the following:

- Identify the potential impacts associated with stormwater run-off for a proposed development and provide a range of appropriate measures for water quantity, water quality and water efficiency and re-use;
- Be developed in accordance with Council's current Design and Development Guidelines;
- Achieve pollution reduction targets identified in Table 3.30 and consider measures as identified in Table 3.31;
- Utilise the MUSIC modelling tool (or equivalent) to determine pollution load reduction as defined in Table 3.30;
- Address the requirements of Appendix 7 – Water Sensitive Urban Design Strategy Guide; and
- Be prepared by a suitably qualified professional.
- The quality of the stormwater flow from the development site shall be improved to achieve the Pollution Retention Criteria in Council's DCP, prior to discharge into Council's drainage system.

**Reason:** To ensure the provision of WSUD.

36. The site stormwater discharge pipe shall be connected to the street drainage pit in Garden Street (corner). This existing pit shall be re-constructed as part of this development approval to Council's current Drainage Drawing Standards including grates and lintel size with the drainage pipe connection and other civil works shown on the drainage engineering plan to the satisfaction of Council's Civil Infrastructure Unit prior to the release of the Construction Certificate .

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

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

- (a) A holding tank capable (minimum 10.0m<sup>3</sup>) of storing the run-off from a 100 year ARI - 2 hour duration storm event allowing for pump failure.
- (b) Two pump system (on alternate basis) capable of emptying the holding tank at a rate equal to the lower of:
  - The permissible site discharge (PSD) rate; or
  - The rate of inflow for the one hour, 5 year ARI storm event.
- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.
- (g) A holding tank shall be capable of holding a volume minimum 10.0m<sup>3</sup> to include the designated surface runoff and seepage lines from the three basement levels.

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

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

38. To avoid chemicals, grease and other pollutants from discharging from the development and causing harm to the environment, all cleaning, washing and degreasing of motor vehicles shall be carried out in an area set aside for the purpose and shall be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. The submission of documentary evidence is required from the Trade Waste Section of **Sydney Water Corporation Ltd** confirming that satisfactory arrangements have been made with the Corporation regarding the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

**Reason:** To ensure that pollution of the public drainage system does not occur.

39. Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately qualified civil engineer ( at least NPER) to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's "Guidelines for Public Domain Works".

The engineer shall:

- a. provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
  - a. all relevant statutory requirements,
  - b. all relevant conditions of development consent
  - c. construction requirements detailed in the above Specification, and
  - d. 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 public domain works are appropriately carried out.

40. Prior to the commencement of any excavation works on site the applicant shall submit, (if it has not been submitted before or the submitted report does not completely address the following issues) for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:

- a. The type and extent of substrata formations by the provision of a minimum of **4** representative bore-hole logs which are to provide a full description of all material from ground surface to **1.0m** below the

- finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the borehole logs shall be related to Australian Height Datum.
- b. The appropriate means of excavation/shoring in light of **point (a)** above and proximity to adjacent property and structures. Potential vibration caused by the method of excavation and potential settlements affecting nearby footings/foundations shall be discussed and ameliorated.
  - c. The proposed method to temporarily and permanently support the excavation for the basement adjacent to adjoining property structures and road reserve if nearby (full support to be provided within the subject site).
  - d. The existing groundwater levels in relation to the basement structure, where influenced.
  - e. The drawdown effects on adjacent properties (including road reserve), if any, the basement excavation will have on groundwater together with the appropriate construction methods to be utilised in controlling groundwater. Where it is considered there is the potential for the development to create a "dam" for natural groundwater flows, a groundwater drainage system must be designed to transfer groundwater through or under the proposed development without a change in the range of the natural groundwater level fluctuations. Where an impediment to the natural flow path is constructed, artificial drains such as perimeter drains and through drainage may be utilised.
  - f. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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 as well as the soundness of the proposed building structure for the site-specific conditions. The report shall contain site-specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

- i. No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- ii. No changes to the ground water level are to occur as a result of the development that is sufficient enough to cause an adverse impact to the surrounding property and infrastructure.

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

The Principal Certifying Authority (PCA) shall take responsibility to ensure that the above issues are addressed and requirements complied with prior to issue of the approval.

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

- 41. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities. Plans showing separate waste areas are to be submitted to the Principal Certifying Authority prior to the release of the Construction Certificate.

**Reason:** To ensure waste is adequately separated and managed in mixed use developments.

- 42. The development must incorporate 6 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

**Reason:** To ensure the required adaptable dwellings are appropriately designed.

- 43. Service ducts, plumbing installations and plant servicing the development must be concealed within the building to keep external walls free from service installations. Details are to be included within the plans and documentation accompanying the Construction Certificate to the satisfaction of the Certifying Authority.

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

- 44. With the consent of the local energy infrastructure provider(i.e. Endeavour Energy) all powerlines and cable television lines running around the perimeter of the development site are to be relocated underground at the applicants cost. Electricity provision to the site is to be designed so that it can be connected underground when the street supply is relocated underground. Certification from Endeavour Energy addressing their requirements for this

provision is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate.

**Reason:** To enable future upgrading of electricity services.

45. Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.

**Reason:** To comply with Australian Standards.

46. The following requirements are to be met with respect to the car park design:
- (a) 155 car parking spaces are to be provided on the site to be allocated with 64 Resident spaces; 15 residential visitor spaces, and 76 retail spaces.
  - (b) 42 bicycle spaces/racks are to be provided on site and used accordingly. These are to comply with AS 2890.3-1993
  - (c) 1 Car share space is to be provided in accordance with clause 3.6.1 of DCP 2011.
  - (d) Parking spaces and access are to be provided in accordance with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.
  - (e) Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

**Reason:** To comply with Australian Standards and ensure pedestrian safety

47. The following items are to be submitted to Sydney Trains for review and endorsement prior to the issuing of a Construction Certificate:

- Machinery to be used during excavation/construction.
- If required by Sydney Trains, track monitoring plan detailing the proposed method of track monitoring during excavation and construction phases.
- If required by Sydney Trains, a rail safety plan including instrumentation and the monitoring regime.

The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that this condition has been complied with.

**Reason:** To ensure that works do not impact on railway operations or assets.

48. Prior to the issue of a Construction Certificate the Applicant is to engage an Electrolysis Expert to prepare a report on the Electrolysis Risk to the development from stray currents. The Applicant must incorporate in the development all the measures recommended in the report to control that risk. A copy of the report is to be provided to the Principal Certifying Authority with the application for a Construction Certificate.



**Reason:** To ensure that rail operations do not impact on the structural integrity of the development.

49. Given the possible likelihood of objects being dropped or thrown onto the rail corridor from balconies, windows and other external features (eg roof terraces and external fire escapes) that are within 20m and face the rail corridor, the Applicant is required to install measures (e.g. awning windows, louvres, enclosed balconies, window restrictors etc) which prevent the throwing of objects onto the rail corridor. These measures are to comply with Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until it has confirmed that these measures are to be installed and have been indicated on the Construction Drawings.

**Reason:** To ensure the safety of rail operations.

50. The design, installation and use of lights, signs and reflective materials, whether permanent or temporary, which are (or from which reflected light might be) visible from the rail corridor must limit glare and reflectivity to the satisfaction of Sydney Trains.

The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**Reason:** To ensure the safety of rail operations.

51. Prior to the issue of a Construction Certificate a Risk Assessment/Management Plan and detailed Safe Work Method Statements (SWMS) for the proposed works are to be submitted to Sydney Trains for review and comment on the impacts on rail corridor. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**Reason:** To ensure that work practices do not impact on the safety of the rail corridor.

52. Prior to the issuing of a Construction Certificate the Applicant is to submit to Sydney Trains a plan showing all crane age and other aerial operations for the development and must comply with all Sydney Trains requirements. The Principal Certifying Authority is not to issue the Construction Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**Reason:** To ensure crane operations do not impact on rail operations.

53. If required by Sydney Trains, prior to the issue of a Construction Certificate the Applicant is to provide Sydney Trains with a report from a qualified structural engineer demonstrating that the structural design of the development satisfies the requirements of Australian Standard AS5100. The Principal Certifying Authority is not to issue the Construction Certificate until it has received written confirmation from Sydney Trains that it has received this report and the Principal Certifying Authority has also confirmed that the measures recommended in engineers report have been indicated on the Construction Drawings.

**Reason:** To ensure monitoring of the impact of works on the rail corridor.

54. Prior to the issue of a Construction Certificate the Applicant must hold current public liability insurance cover for a sum to be determined by Sydney Trains. This insurance shall not contain any exclusion in relation to works on or near the rail corridor, rail infrastructure. The Applicant is to contact Sydney Trains Rail Corridor Management Group to obtain the level of insurance required for this particular proposal. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written proof of this insurance in conjunction with Sydney Trains written advice to the Applicant on the level of insurance required.

**Reason:** To comply with Transport – Sydney Trains requirements

55. Prior to the issue of a Construction Certificate the Applicant is to contact Sydney Trains Rail Corridor Management Group to determine the need for the lodgement of a Bond or Bank Guarantee for the duration of the works. The Bond/Bank Guarantee shall be for the sum determined by Sydney Trains. Prior to issuing the Construction Certificate the Principal Certifying Authority must witness written advice from Sydney Trains confirming the lodgement of this Bond/Bank Guarantee.

**Reason:** To comply with Transport – Sydney Trains requirements

56. Documentary evidence to the satisfaction of the Certifying Authority is to accompany the application for a Construction Certificate confirming satisfactory arrangements have been made with the energy provider for the provision of electricity supply to the development.

If a substation is required of the energy provider, it must be located internally within a building/s.

Substations are not permitted within the front setback of the site or within the street elevation of the building; unless such a location has been outlined and approved on the Council stamped Development Application plans. Substations are not permitted within Council's road reserve.

**Reason:** To ensure adequate electricity supply to the development and to ensure appropriate streetscape amenity.

### **Prior to the Commencement of Work**

57. 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. Upon completion of the work, the road, road reserve, and footpath shall be reinstated to its original state to the satisfaction of Council and the cost shall be borne by the applicant.

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

58. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing No. [DS9 & DS10]. Details shall be submitted to the satisfaction of Principal Certifying Authority with the application for the Construction Certificate. A Vehicle Crossing application shall be submitted to Council together with the appropriate fee prior to any work commencing.

**Reason:** To ensure appropriate vehicular access is provided.

59. 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 (e.g. **DS1**-Kerbs & Laybacks; **DS7**-Standard Passenger Car Clearance Profile; **DS8** - Standard Vehicular Crossing; **DS9**- Heavy-Duty Vehicular Crossing, and **DS10**-Vehicular Crossing Profiles).

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

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

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

60. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural condition of all neighbouring structures within the 'zone of influence' of the required excavation face to twice the excavation depth.

The report should include a photographic survey of adjoining properties detailing their physical condition, both internally and externally, including such items as walls, ceilings, roof, structural members and other similar items. The report must be completed by a consulting structural/geotechnical engineer as determined necessary by that qualified professional based on the excavations for the proposal and the recommendations of the geotechnical report. A copy of the dilapidation report shall be submitted to Council.

In the event that access for undertaking the dilapidation survey is denied by an adjoining owner, the applicant must demonstrate in writing to the satisfaction of the Principal Certifying Authority that all reasonable steps have been taken to obtain access and advise the affected property owner of the reason for the survey and that these steps have failed.

**Note:** This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties

arising from works. It is in the applicant's and adjoining owner's interest for it to be as detailed as possible.

**Reason:** Management of records.

61. If an excavation associated with the erection or demolition of a building extend 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.

**Reason:** To control excavation procedures.

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

(a) Construction Management Plan for the Site

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

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

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

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

- ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (c) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.
- (d) Where applicable, the plan must address the following:
  - i. Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
  - ii. A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
  - iii. Minimising construction related traffic movements during school peak periods,

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

**Reason:** To ensure that appropriate measures have been considered during all phases of the construction process in a manner that maintains the environmental amenity and ensures the ongoing safety and protection of people.

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

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

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

- 64. Prior to commencement of work, the person having the benefit of the Development Consent and Construction Certificate approval must:
  - (a) Appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment (irrespective of whether Council or an accredited private certifier) within 7 days; and
  - (b) Notify Council in writing a minimum of 48 hours prior to work commencing of the intended date of commencement.

The Principal Certifying Authority must determine and advise the person having the benefit of the Construction Certificate when inspections, certification and compliance certificates are required.

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

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

**Reason:** To ensure adequate toilet facilities are provided.

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

**Reason:** To ensure public safety.

67. A sign must be erected in a prominent position on any site involving excavation, erection or demolition of a building in accordance with Clause 98 A (2) of the Environmental Planning and Assessment Regulations 2000 detailing:

- (a) Unauthorised entry of the work site is prohibited;
- (b) The name of the principal contractor (or person in charge of the work site), their telephone number enabling 24hour contact; and
- (c) The name, address and telephone number of the Principal Certifying Authority;
- (d) The development consent approved construction hours;

The sign must be maintained during excavation, demolition and building work, and removed when the work has been completed.

This condition does not apply where works are being carried out inside an existing building that is capable of being secured.

**Reason:** Statutory requirement.

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

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

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

69. Construction of a Standard Kerb Ramp in accordance with Council Plan No. DS4 in the kerb at the intersection of two street frontages to Council's Asset Engineer instructions. Details of the proposed works shall be resubmitted to

and be approved by Council prior to commencement of works. Proof of completion of construction work shall be submitted to the satisfaction of Council prior to the issue of the Occupation Certificate. All costs are to be borne by the applicant.

**Reason:** To provide adequate access.

70. 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 and for a minimum three (3) month period after the completion of the project, where necessary.

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

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

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

72. Prior to the commencement of works and prior to the issue of the Occupation Certificate, a joint inspection of the rail infrastructure and property in the vicinity of the project is to be carried out by representatives from Sydney Trains and the Applicant. These dilapidation surveys will establish the extent of any existing damage and enable any deterioration during construction to be observed. The submission of a detailed dilapidation report will be required unless otherwise notified by Sydney Trains.

**Reason:** To ensure the condition of rail infrastructure

### During Work

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

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

74. 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.

75. A copy of this development consent, stamped plans and accompanying documentation is to be retained for reference with the approved plans on-site during the course of any works. Appropriate builders, contractors or sub-contractors shall be furnished with a copy of the notice of determination and accompanying documentation.  
**Reason:** To ensure compliance with this consent.
76. Dust control measures must be implemented during all periods of earth works, demolition, excavation and construction to minimise the dust nuisance on surrounding properties. In this regard, dust minimisation practices must be carried out in accordance with Council's Guidelines for Controlling Dust from Construction Sites and Section 126 of the *Protection of the Environment Operations Act 1997*.  
**Reason:** To protect the amenity of the area.
77. 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.
78. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc., must be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like must be discharged onto the building site, and is to be contained within the site boundaries.
- Alternatively, if plant and equipment is unable to be placed within the site, prior to the placement of skip bins, concrete pumps, cranes, machinery, any temporary traffic control measures or the like on Council's roads, footpath or nature strip, approval under Section 138 of the Roads Act 1993 is required.  
**Reason:** To protect public infrastructure and land and to ensure public safety and proper management of public land
79. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery 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.  
**Demolition works** are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.  
**Reason:** To protect the amenity of the area.
80. The applicant must record details of all complaints received during the construction period in an up to date complaints register. The register must record, but not necessarily be limited to:



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

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

**Reason:** To allow the PCA/Council to respond to concerns raised by the public.

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

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

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

82. A Waste Data file is to be maintained during the works recording:
- Details of all contractors associated with the demolition, excavation and construction;
  - Waste disposal receipts/dockets for any demolition or construction material removed from the site.

These records must be retained and made available upon request.

**Reason:** To ensure appropriate lawful disposal of waste.

83. Stockpiles of topsoil, sand, aggregate, soil or other material are not to be located on any drainage line or easement, natural watercourse, footpath, or roadway, and shall be protected with adequate sediment controls.

**Reason:** To ensure that building materials are not washed into stormwater drains.

84. Site water discharged must not exceed suspended solid concentrations of 50 parts per million, and must be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with the relevant Environmental Protection Authority and ANZECC standards for water quality.

Other options for the disposal of excavation pump-out water include disposal to sewer with prior approval from Sydney Water, or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

**Reason:** To prevent pollution of waterways.

85. 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.

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

- (a) On-street mobile plant:

Eg. Cranes, concrete pumps, cherry-pickers, etc. - restrictions apply to the hours of operation, the area of operation, etc. Separate permits are required for each occasion and each piece of equipment. It is the applicant's, owner's and builder's responsibilities to take whatever steps are necessary to ensure that the use of any equipment does not violate adjoining property owner's rights.

- (b) Storage of building materials and building waste containers (skips) on Council's property.

- (c) Permits to utilise Council property for the storage of building materials and building waste containers (skips) are required for each location. Failure to obtain the relevant permits will result in the building materials or building waste containers (skips) being impounded by Council with no additional notice being given. Storage of building materials and waste containers on open space reserves and parks is prohibited.

- (d) Kerbside restrictions, construction zones:

The applicant's attention is drawn to the possible existing kerbside restrictions adjacent to the development. Should the applicant require alteration of existing kerbside restrictions, or the provision of a construction zone, the appropriate application must be made to Council and the fee paid. Applicants should note that the alternatives of such restrictions may require referral to Council's Traffic Committee. An earlier application is suggested to avoid delays in construction programs.

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

87. 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 ensure proper management of Council assets.

88. 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 ensure maintenance of Council's assets.

89. Appropriate sign(s) shall be provided and maintained within the site at the point(s) of vehicular egress to compel all vehicles to stop before proceeding onto the public way.

**Reason:** To ensure pedestrian safety

90. All approved tree removals shall be supervised out by an AQF Level 3 qualified Arborist and conform to the provisions of the WorkCover Tree Work Draft Code of Practice 2007.

**Reason:** To ensure works are carried out in accordance with the WorkCover Tree Work Draft Code of Practice 2007.

91. All trees planted as part of the approved landscape plan are to have a minimum 45 litre container size. All shrubs planted as part of the approved landscape plan are to have a minimum 200mm container size.

**Reason:** To ensure adequate plan stock is used.

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

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

93. Retained trees or treed areas shall be fenced with a 1.8 metre high chainwire link or welded mesh fence, fully supported at grade, to minimise the disturbance to existing ground conditions within the canopy drip line or a setback as specified on the approved landscaping plan for the duration of the construction works. "Tree Protection Zone" signage is to be attached to protective fencing.

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

94. The trees identified on the endorsed plans as being retained shall be protected prior to and throughout the demolition/construction process in accordance with the Tree Management Plan contained within the arborist report prepared by ULP dated 23/1/2013 and the relevant conditions of this consent.

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

95. All excavation, shoring and piling works with 25m of the rail corridor are to be supervised by a geotechnical engineer experienced with such excavation projects.

**Reason:** To ensure excavation works do not impact on the rail corridor.

96. No metal ladders, tapes and plant/machinery, or conductive material are to be used within 6 horizontal metres of any live electrical equipment. This applies to the train pantographs and 1500V catenary, contact and pull-off wires of the

adjacent tracks, and to any high voltage aerial supplies within or adjacent to the rail corridor.

**Reason:** To ensure electrical safety.

97. No rock anchors/bolts are to be installed into Sydney Trains property.

**Reason:** To protect Sydney Trains infrastructure.

98. All trees planted within the site must have an adequate root volume to physically and biologically support the tree. No tree within the site shall 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.

### **Prior to release of Occupation Certificate**

99. Occupation or use of the building or part is not permitted until an Occupation Certificate has been issued in accordance with Section 109H of the Environmental Planning and Assessment Act 1979.

Any Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

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

**Reason:** To complying with legislative requirements of the Environmental Planning and Assessment Act 1979.

100. Prior to the issuing of an Occupation Certificate the Applicant is to submit the as-built drawings to Sydney Trains and Council.

The Principal Certifying Authority is not to issue the Occupation Certificate until written confirmation has been received from Sydney Trains confirming that this condition has been satisfied.

**Reason:** To ensure the safety of rail operations.

101. Details of public domain works shall be submitted to and approved by Council prior to commencement. Proof of completion of construction work shall be submitted to the satisfaction of Council prior to release of any Occupation Certificate. All costs are to be borne by the applicant.

**Reason:** To provide pedestrian passage.

102. Prior to release of any Occupation Certificate the Principal Certifying Authority is to confirm that the waste storage room meets the following requirements:

- (a) The size of the waste storage area is large enough to accommodate all waste generated on the premises, with allowances for separation of waste types;

- (b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface and coved at all intersections with walls;
- (c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- (d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.

The room is to be maintained to this standard on an ongoing basis.

**Reason:** To ensure provision of adequate waste storage arrangements.

103. Prior to the issue of an Occupation Certificate the developer must provide Council with a schedule of individual unit/street numbers as displayed within the development for identification purposes. The numbering sequence must be in accordance with the street numbering approval letter issued by Council.

**Reason:** To ensure developments are appropriately numbered.

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

**Reason:** To provide satisfactory drainage.

105. A street number is to be placed on the site in a readily visible location from a public place prior to the issue of an Occupation Certificate. The numbers are to have a minimum height of 75mm.

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

106. The developer must submit to the Principal Certifying Authority a letter from the telecommunications company confirming satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the release of any Occupation Certificate.

**Reason:** To ensure provision of appropriately located telecommunication facilities.

107. 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.

108. Prior to the issue of an Occupation Certificate written certification from a suitably qualified acoustic consultant must be forwarded to the Principal Certifying Authority certifying all works, methods, procedures and control measures as outlined in the acoustic reports approved have been completed.

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

109. 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. 471359M\_03, will be complied with prior to occupation.

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

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

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

111. Three (3) convex mirror are to be installed within the basement ramp access (on each of basement levels 1, 2 and mezzanine level) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.

**Reason:** To ensure safety of drivers within the site.

112. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority responsible for the critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. The record must include:

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

**Reason:** To ensure an appropriate record of inspections is maintained.

113. 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](http://www.sydneywater.com.au) then the “e-developer” icon or telephone 13 20 92.

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

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

114. An Operational Management and Maintenance Report is required to be lodged with the Occupation Certificate application as a separable section of the Stormwater Drainage Plan to provide an outline of the proposed long term operational management and maintenance requirements of the stormwater system on the site. As a guide the maintenance report is required to cover all aspects of on-site facilities associated with the management of stormwater quality and is to outline the following requirements:

- (i) aims and objectives (including water quality and filter media parameters);

- (ii) a plan showing the location of the individual components of the system;
- (iii) Inspection and monitoring points are to be shown clearly on the plan.
- (iv) manufacturer's data and product information sheets for any proprietary products;
- (v) location of timetable for the proposed regular inspection and monitoring of the devices, (Council recommends a visual inspection at least 3 times per year between October and May the following year, with a maximum of 3 months between successive inspections). Inspection should be made not less than 24 hours and not more than 72 hours after the cessation of rainfall if the total rainfall on any day exceeds 30mm;
- (vi) record keeping and reporting requirements
- (vii) review and update requirements
- (viii) describe inspection/maintenance techniques and the associated rectification procedures

The report is required to be prepared by a suitably qualified and experienced professional to the satisfaction of Council and utilise the maintenance checklists located '*Product Design Manual*' or (in the Water Sensitive Urban Design Technical Design Guidelines for South East Queensland).

In this regard, the approved report is required to be implemented in perpetuity to the satisfaction of Council. Regular inspection records are required to be maintained and made available to Council upon request. All necessary improvements are required to be made immediately upon awareness of any deficiencies in the treatment measure/s.

**Reason:** To ensure that the stormwater system is maintained in an ongoing manner.

115. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:
- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
  - The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.
  - As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses volume table).
  - OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
  - Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
  - Approved verses installed Drainage Design (OSD) Calculation Sheet.

- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

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

116. 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.

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

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

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

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

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

118. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from and approved electrical energy provider prior to the issue of an Occupation Certificate.

**Reason:** To ensure appropriate electricity services are provided.



119. The Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. **DA/610/2013** has been submitted to Principal Certifying Authority.

**Reason:** To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

120. The roof of the car park is to be painted white and the car park is to be internally illuminated at all times so that no concealment places are created by shadow.

**Reason:** To ensure the safety of the car park and to discourage illegitimate activities.

121. Certification must be provided prior to the issue of an occupation certificate that the required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.

**Reason:** To ensure the requirements of DCP 2011 have been met

122. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of 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.

123. Strata subdivision requires development consent and therefore the lodgement of a separate development application and subsequent approval from Council or an accredited certifier, of the strata plan, under section 37 of the *Strata Schemes (Freehold Development) Act 1973*.

**Reason:** To comply with the *Environmental Planning & Assessment Act 1979* and *Strata Schemes (Freehold Development) Act 1973*

124. A security card reader, if installed for the car park, is to be located on the median island and should be located at least 6m from the property boundary. Provision of a security card reader is to comply with the Clause 3.3(b) of AS 2890.1-2004.

**Reason:** To ensure appropriate location of this facility.

125. 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.

**Reason:** To comply with Australian Standards.

126. The Applicant must provide a plan of how future maintenance of the development facing the rail corridor is to be undertaken. The maintenance

plan is to be submitted to Sydney Trains prior to the issuing of the Occupancy Certificate. The Principal Certifying Authority is not to issue an Occupation Certificate until written confirmation has been received from Sydney Trains advising that the maintenance plan has been prepared to its satisfaction.

**Reason:** To ensure ongoing protection of the rail corridor.

127. 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.

**Reason:** To comply with Australian Standards.

128. The landscaping must be completed in accordance with the consent and approved plans, prior to occupation/use of the premises.

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

129. 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 and or infrastructure.

The report is to be submitted to the PCA prior to the issue of the occupation certificate. In ascertaining whether adverse structural damage has occurred to adjoining buildings/ infrastructure, the PCA must compare the post-construction dilapidation report with the pre-construction dilapidation report, and

A copy of this report is to be forwarded to Council.

**Reason:** To establish any damage caused as a result of the building works.

- 129A. All shopping trolleys shall have a coin-operated system to minimise the impacts of shopping trolley abandonment in the community. Prior to Council or an accredited certifier issuing an occupation certificate, the applicant shall submit a management plan for installation and maintenance of coin-operated trolleys associated with the development.

**Reason:** To minimise the impacts of shopping trolley abandonment in the community

## **The Use of the site**

130. The owner/manager of the site is responsible for the removal of all graffiti from the building and fences within 48 hours of its application.

**Reason:** To ensure the removal of graffiti.

131. Any External Plant/ air-conditioning system shall not exceed a noise level of 5 dBA above background noise level when measured at the side and rear boundaries of the property.

**Reason:** To minimise noise impact of mechanical equipment.

132. The specific commercial/retail use or occupation of the ground floor commercial premises must be the subject of further development approval for such use or occupation to establish the first use.

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

133. The hours of operation for the commercial component of the use is to be limited to between 8.00a.m and 8.00p.m daily.

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

134. All deliveries to the premises and waste collection from the building shall take place between the hours of 7.00am and 7.00pm daily and are to be carried out by vehicles not larger than a heavy rigid vehicle (12.5m long).

**Reason:** To protect the amenity of the area and to ensure deliveries are carried out by vehicles capable of accessing the site.

135. The car park roller shutter at the access point to Garden Street is to remain open between 7.00a.m and 10.00p.m.

**Reason:** To minimise noise from the mechanical operation of the roller shutter.

136. All loading and unloading shall:

- a. take place within the approved loading dock to minimise disruption to public spaces, and
- b. is to be carried out wholly within the site

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

137. All vehicles are to enter and exit the site in a forwards direction.

**Reason:** To ensure vehicle safety.

138. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas, and car parking spaces. No materials, waste matter, or products are to be stored outside the building or any approved waste storage area at any time.

**Reason:** To ensure provision of adequate waste disposal arrangements.

139. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.

**Reason:** To ensure provision of adequate waste disposal arrangements.

140. All waste storage areas are to be maintained in a clean and tidy condition at all times.

**Reason:** To ensure the ongoing management of waste storage areas.

141. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not

able to leak or overflow. Bins must be stored in the designated waste/recycling room(s) or area(s) between collection periods.

**Reason:** To ensure waste is adequately stored within the premises.

142. All landscape works shall be maintained for a minimum period of two (2) years following the issue of a Final Occupation Certificate, in accordance with the approved landscape plan and conditions

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

143. No external roller shutters are to be installed over the windows or doors of the shop front.

**Reason:** To maintain the integrity of the building.

144. The proposed signage zones shown on the architectural plans are not approved. No advertisement/signage is to be erected on or in conjunction with the development without prior consent.

**Reason:** To comply with legislative controls.

