

ASSESSMENT REPORT – MIXED USE DEVELOPMENT

S79C – Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No:	DA/241/2013
Assessment Officer:	Kate Lafferty
Property:	113-117A Wigram Street, Harris Park & 23-29 Hassall Street, Parramatta Lot Y DP 403345, Lot X DP 403345, Lot B DP 393819, Lot 2 DP 218476, Lot 1 DP126871, Lot 1 DP 218476, Lots 1 & 2 DP 502551, Lot 1 DP126871
Proposal:	Demolition, tree removal and construction of a 22 storey mixed use development containing 156 apartments and 7 commercial units over basement car parking. The application includes the retention of the existing heritage items on site for use as commercial premises.
Cost of works:	\$31,200,000
Date of receipt:	30 April 2013
Applicant:	Hassall Street Property Pty Ltd
Owner:	23-25 Hassall: GLMC Properties Pty Limited 27-29 Hassall: Mistykal Pty Limited 113 Wigram: Mr P Nikoloudis and Mr B Nikoloudis and Mr P Nikoloudis 115 Wigram: Ms K A Schulz and Mr M G Schulz 117 Wigram: Ms I Lambrousis and Mr V Georgoudis

117A Wigram: Mr B J Green, Mr F J B
Curran & Mr D J
Weston

Submissions received:	4 submissions received
Property owned by a Council employee or Councillor:	No
Political donations/gifts disclosed	None disclosed on the application form
Council application:	No
Issues:	Height
Recommendation:	Approval subject to conditions
Determining Authority:	The development will be determined by the Western Sydney Joint Regional Planning Panel as the cost of development exceeds \$20 million.

Legislative Requirements

Zoning:	Mixed Use B4
Permissible under:	Parramatta City Centre LEP 2007
Relevant legislation/policies:	SEPP65, SEPP (Basix), Parramatta LEP2007, Parramatta City Centre Plan DCP 2007, Parramatta DCP 2011, Parramatta Section 94A Contributions Plan
Variations:	Height, building separation, unit mix, street alignment and street frontage type
Integrated development:	No
Crown development:	No
Designated development:	No

The site

Site Area:	2753.6m ²
Easements/rights of way:	The submitted survey indicate rights of carriageway between 115, 115A & 117 Wigram Street and 23-25 Hassall Street.

These rights of carriageway will need to be extinguished as part of the overall development

Heritage item:

Yes (23-25 Hassall & 113-115 Wigram)

In the vicinity of a heritage item:

No

Site History:

See "Background" section of the report

DA history

30 April 2013

DA lodged

10 May 2013

Request for additional information:

- Estimated cost of development
- Archaeology exemptions
- Acid sulfate soils assessment
- Alignment Plan
- OSD tank & drainage matters
- CPTED assessment

15 May to 5 June 2013

DA notified

29 May 2013

Additional information submitted (in part)

11 July 2013

Heritage Council Exemption Permits submitted

31 July 2013

Request for additional information:

- Heritage matters
- Clause 24 required for building separation
- Height – consideration of architectural roof feature
- Catchment management issues
- Urban design issues
- Unit mix
- Waste management matters
- Traffic matters – garbage collection
- Acid sulfate soils assessment
- Wind mitigation – wind report required
- Aboriginal heritage
- Issues raised by objectors

2 August 2013

Additional information submitted (in part)

7-9 August 2013

Additional information submitted (in part)

8 August 2013	JRPP Briefing Meeting
8 October 2013	Revised flood report submitted
10 October 2013	Additional information submitted (QS report & schedule of conservation works)
18 October 2013	Additional information submitted (unit mix response)
1 November 2013	Request additional information (flooding)
26 November 2013	Additional information submitted (shadow diagrams)
13 December 2013	Revised flood report submitted
10 February 2014	Request additional information (flooding)
20 March 2014	Revised floor report submitted
22 April 2014	Request additional information (flooding)
9 May 2014	Remaining flood issues addressed
27 June 2014	Amended ground and basement plans submitted (to reflect flooding matters)

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is located on the south-eastern corner of Wigram Street and Hassall Street. The properties within Hassall Street are in the suburb of Parramatta, whilst the properties within Wigram Street are in the suburb of Harris Park. The site contains multiple allotments of land and is legally described as Lot Y DP 403345, Lot X DP 403345, Lot B DP 393819, Lot 1 DP126871, Lot 2 DP 218476, Lot 1 DP 218476, Lots 1 & 2 DP 502551.

The site is irregular in shape and has a frontage of 48m to Wigram Street and a frontage of 40m to Hassall Street. The combined site area is **2753.6m²**. The site has a fall from the front (north) to the rear (south) by approximately 2.4m, which equates to a 4.5% gradient.

The site currently contains the following improvements:

113 Wigram Street	Attached single storey dwelling house
115 Wigram Street	Attached single storey dwelling house and shed structures

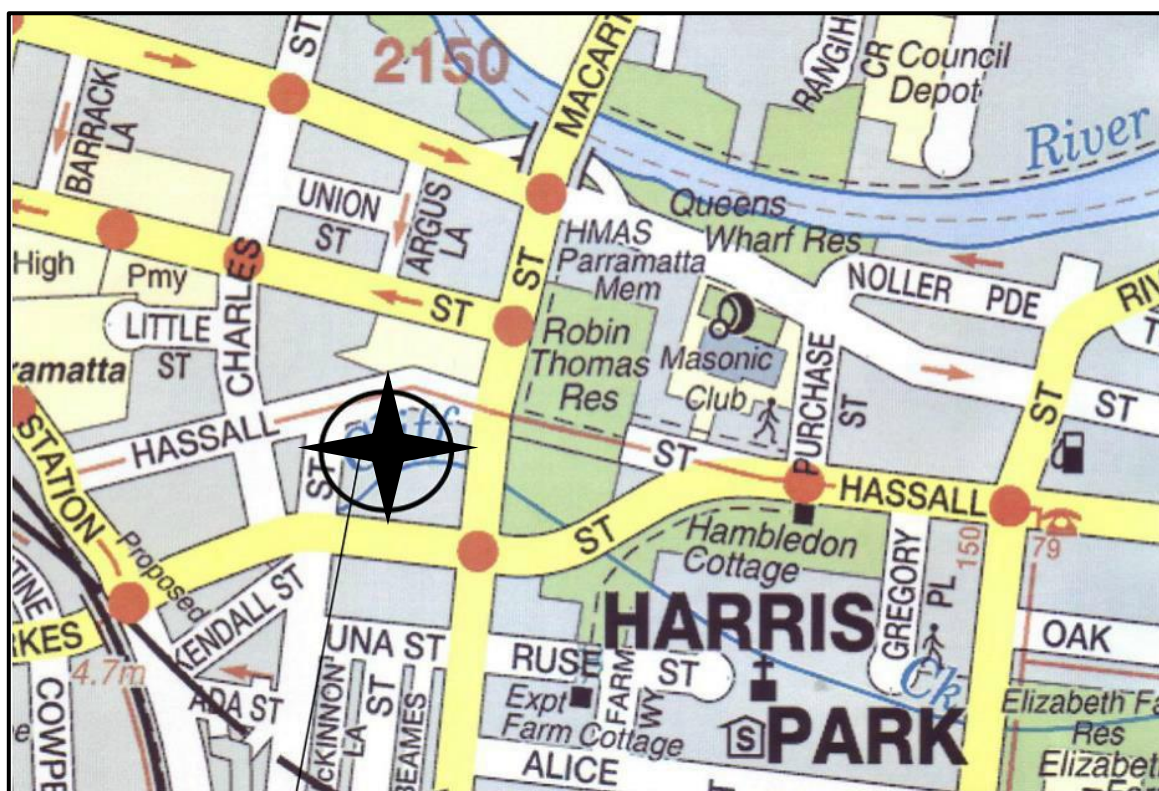
117 Wigram Street	Detached single storey brick dwelling house
117A Wigram Street	Battleaxe lot containing a single storey commercial building
23-25 Hassall Street	Single storey brick commercial building (converted dwelling houses)
27-29 Hassall Street	3 storey brick commercial building

The site contains heritage items, being the attached residential cottages at 113-115 Wigram Street and the attached cottages (converted to commercial) at 23-25 Hassall Street.

There are 4 trees on site which are subject to Council's Tree Protection Order, being a False Cypress (7m high), Cypress Pine (6m high), Cook Pine (10m high) and Cheese Tree (7m high).

The site is bounded on two sides by high-rise residential development. The site to the east (31 - 37 Hassall Street) contains a 9 storey mixed-use development. The site to the south (111 Wigram Street) contains a 9 storey mixed residential and commercial development. Part of the site's irregular shaped southern boundary abuts the Clay Cliff Creek stormwater channel.

Across the road to the north (26-30 Hassall Street) is a 16 storey mixed use development. To the west of that building is a Council owned car park (189 Macquarie Street). A planning proposal and development application are currently under assessment for the construction of a 30 storey mixed use development on that land. Across the road to the west are 4 storey residential flat buildings (124 Wigram Street) and a 2 storey restaurant (21 Hassall Street).



Location Map



Aerial Map



View of subject site (view corner of Hassall Street & Wigram Street)

BACKGROUND

LA/197/2012 – Architectural Design Competition

An Architectural Design Competition was held on 11 October 2012. Following consideration of the entries, the Jury agreed that design excellence had not been achieved through that design process.

A further Architectural Design Competition was held on 6 December 2012. The proposed development won the competition and the Director-General of the Department of Planning and Infrastructure granted an additional 10% increase in the floor space ratio (FSR) and building height to the winning submission of Architex on the basis of achieving "design excellence".

The Jury acknowledged that the height controls may be further breached if the conservation incentives of Clause 35(9) of LEP2007 could be justified. As a guide, the Jury recommended the height be restricted to halfway between the current height control for the site (54m) and the height control on the other side of Wigram Street (72m) – ie. approximately 63m.

The Jury raised certain matters that needed to be addressed with the submission of a development application. These design matters included issues relating to refinement of ribbon walls, provision of a full sun access analysis and simplification of the facades.

Note: These issues have been addressed within the current application to the satisfaction of Council's Urban Design Team and are discussed further within this report.

PL/4/2013 – Pre-lodgement Meeting

A pre-lodgement meeting was held on 6 February 2013 for a 20 storey (62.9m) mixed use development containing a 14 storey residential tower, 4 storey podium, 2 storey under-croft zone and single storey heritage buildings along Wigram Street.

The proposed height of development was 62.9m (excluding lift services overrun), and this was deemed to comply with the design jury recommendation of a maximum height of 63m. The additional height allowed for a more slender tower element, which was central to their design strategy. It offered improved amenity and has been supported by the Jury from an urban design perspective. It is noted that the applicant had proposed an FSR of 4:1, which was below the 4.4:1 allowable for the proposal (inclusive of design excellence).

The main issue raised in the pre-lodgement meeting was in relation to the flood affectation of the site.

THE PROPOSAL

Approval is sought for demolition, tree removal and construction of a 22 storey mixed use development containing 156 apartments and 7 commercial units over 4 levels of basement car parking. The application includes the retention of the existing heritage items on site for use as commercial premises.

The details of the application are as follows:

- demolish the existing three (3) storey commercial building at 27 Hassall Street
- demolish the 'unsympathetic' additions to the heritage cottages at 23 - 25 Hassall Street and 113-115 Wigram Street
- carry out restoration works to the heritage cottages at 23 - 25 Hassall Street and 113-115 Wigram Street
- carry out refurbishment works to the single storey office building at 117 Wigram Street
- demolish the existing outbuilding at 117A Wigram Street and carports on the site
- removal of three (3) trees
- carry out bulk excavation works to construct 4 levels of basement car parking containing 155 car spaces, bicycle parking, lockable storage cabinets, three (3) lifts, plant and service rooms
- construct a 22 storey, mixed commercial and residential development containing 512m² of commercial floor space at ground level (3 existing buildings and 3 new single level tenancies) and 156 residential apartments (including sixteen (16) adaptable units)
- associated landscaping, provisions of open space and external infrastructure works.

The tower component of the development proposes 156 residential units, containing:

- 1 x studio apartment
- 31 x 1 bedroom units
- 6 x 1 bedroom plus media units
- 113 x 2 bedroom units
- 5 x 3 bedroom units
- 4 x levels of basement car parking for 148 resident spaces and 7 commercial spaces for tenant parking only.

There are 3 trees located on the site to be removed. These include a False Cypress (7m high), Cypress Pine (6m) and Cook Pine (10m). An existing 7m high Cheese Tree within the front corner setback is to be retained.

The building is designed in the podium and tower typology. The proposed development has a height of 69.33m (uppermost ceiling) and 72.83m (top of plant) and floor space ratio of 4.38:1 (12,053m² of floor space).

It is noted that the proposal is 2 floors higher than that considered at the pre-lodgement meeting. The applicant is utilising the conservation incentives of LEP 2007 and a Clause 24 variation to achieve an increased height above that recommended by the Design Competition Jury.



Photo montage of proposed development

PERMISSIBILITY

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

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

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

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

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

The application was considered at the JRPP Briefing Meeting on 8 August 2013. At that meeting the JRPP panel members raised issues regarding the proposed height departure and whether the proposal is considered acceptable, given the 'dome' skyline vision for built development within the city. These issues are discussed below.

1. Height Non-Compliance

Concern was raised that the height does not comply with the permissible height restrictions for the site.

The proposed development is essentially two storeys above the height envisaged by the Design Competition Jury. The proposed height is considered acceptable in the circumstances of this case for the following reasons:

- The proposed development seeks to retain and restore the heritage items on the site and therefore utilises the conservation incentives within the LEP2007
- The retention of the heritage items has constrained the developable area on the site. The maximum floor space permissible for this development is still not achieved with the additional height proposed
- The proposed height will not be out of character with existing or future development within the area
- The proposed height provides for an improved tower aesthetic which is commensurate with the future vision for Parramatta City and supported by Council's Urban Design Team
- The proposed additional height will not create any significant additional impacts upon residential development within the area.

These matters have been discussed in further detail within this assessment report.

2. Overall Vision for the City Centre

Concern was raised as to whether it would be appropriate to allow a height variation in consideration of the potential impacts upon the 'dome' skyline vision for built development within the City.

The concept of a bell curve skyline for the city is likely to be altered by the current planning framework review for the City. The review focuses on the role of built form controls and the relationship between floor space ratio and height. The draft recommended option as a result of the review concentrates on floor space ratio, floor plate size and setback controls to provide for tall slender towers throughout the City.

The proposed development fits within this future vision.

EXTERNAL REFERRALS

NSW Roads & Maritime Services

The application was referred to the NSW Roads and Maritime Services for comment in accordance with Schedule 3 of State Environmental Planning Policy (Infrastructure) 2007.

Correspondence dated 28 May 2013 was received from the RMS advising as follows:

RMS has reviewed the development application and advises there will not be a significant impact on the classified road network; therefore RMS has no objections to or requirements for the proposed development.

Sydney Water

The application was referred to Sydney Water for comment. Correspondence was received from Sydney Water on 15 May 2014 stating as follows:

Sydney Water has recently reviewed a development on the same site. As the proposal is of a similar scale and location our comments remain the same. I have attached a copy of our response for your convenience.

This response was a Feasibility Letter advising of the requirements of obtaining a Section 73 Certificate. No objections were raised with respect to the proposed development.

Endeavour Energy

The application was referred to Endeavour Energy for comment. No correspondence has been received to date.

INTERNAL REFERRALS

Heritage Advisor

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

The site of the proposed development is a consolidated site which comprises the following heritage items:

- *Attached houses at 113-115 Wigram Street,*
- *Semi-detached cottages at 23 and 25 Hassall Street.*

The site is wholly within the PAMU 3051, of moderate potential and any relics found would not exceed local level of significance.

Council's heritage database includes the following information:

- *Conjoined residences at 113-115 Wigram Street are of significance for the local area for historical and representativeness reasons. Built c.1880, they are*

readily identifiable as part of historic building stock and are contributing to the streetscape character. The pair is also significant as a relatively intact survivor of speculative housing erected in the 1880s for less affluent workers. There site has a high archaeological potential.

- *The pair of conjoined residences at 23 and 25 Hassall Street are of significance for the local area for historical reasons and as a representative example of residential architecture of the Victorian period in this area, created as speculative housing for less wealthy workers. Built c. 1880, the pair of conjoined houses are readily identifiable as part of historic building stock and still contributes to the streetscape.*
- *The PAMU 3051 includes part of Harris' original land grant and was marginal to the early township. The area was developed primarily as a residential area throughout the nineteenth and twentieth centuries and partly redeveloped in the late twentieth century as the commercial centre of Parramatta expanded to the east. There are a number of extant examples of late-nineteenth-century housing within this area. The physical archaeological evidence within this area may include built landforms, structural features, intact subfloor deposits, open deposits and scatters, ecological samples and individual artefacts which have potential to yield information relating to major historic themes including Agriculture, Commerce, Cultural Sites, Environment, Housing, Land Tenure, Townships, Transport and Utilities. The archaeological resources of this AMU are likely to be largely intact, but subject to minor disturbance in some areas.*

Regarding the impact of the proposal, it is fair to say that any development of the magnitude of that currently proposed would inevitably have some impact on the adjoining items. However, there are also positive impacts arising from conservation works. These are all factored in the planning controls, and on balance the proposal is deemed to satisfy the relevant criteria and therefore can be supported.

Planning Comment: It is noted that there is no objection raised to the proposed development from a heritage perspective.

Urban Design

The application was the winning entry in a Design Jury Competition under the provisions of Clause 22B of Parramatta Local Environmental Plan 2007. The application was referred to Council's Urban Designer to review the proposed development in light of the Design Competition Jury recommendations and advise on the proposed increase in height. Council's Urban Designer reports as follows:

1. The refining of the façade as recommended by the Design Competition Jury.

The Jury advised that the design of the ribbon walls needs further refinement as they still dominate the heritage buildings. This may include different materials, textures and/or colour choices and changes to the configuration. The more concave of the ribbon walls may be improved by reducing its concavity to be similar to the ribbon wall facing Wigram Street which has a shallower curve. Shortening the length of this more concave ribbon wall to expose more of the rectilinear form adjoining 31-37 Hassall Street could also reduce the dominance of the ribbon wall against the heritage buildings. Presentation of alternative designs for the ribbon walls to the

Parramatta Design Excellence Advisory Panel at a pre-DA meeting is recommended by the jury as a way of resolving this matter.

The architects have refined the ribbon wall on the Hassall Street façade by shortening the length of the curve and providing wrap around balconies with glass louvres adjacent to 31-37 Hassall Street this gives a residential rather than commercial aesthetic to the façade. The inclusion of movable shutters on the Wigram Street ribbon wall façade provides articulation and enhances the residential quality of the façade. The use of a lighter coloured material on the ribbon wall compliments the heritage items rather than dominating as the original material/colour did.

2. The Design Competition Jury also requested a full sun access analysis to prove sun access to apartments to comply with SEPP65 Residential Flat Design Code.

The proponent has provided a full sun access analysis as requested which concludes that:

Between 9am and 3pm 67% of the residential apartments (101 out of 156) achieve at least 2 hours of direct solar access to the window(s) of the Living Area. This is deemed to be acceptable considering the impact of overshadowing from adjacent developments.

3. The addition of 2 more storeys resulting in an increase of height.

From an urban design point of view the addition of the 2 storeys will not impact on the streetscape as there are buildings in the vicinity that have a height of 72m. The only cause for concern would be additional overshadowing of adjacent residences. It is recommended that shadow diagrams of the surrounding context are undertaken to illustrate any additional overshadowing of residences.

The proposed development has not fundamentally altered from the winning Design Competition scheme.

Planning Comment: Additional shadow diagrams were provided by the applicant to indicate the additional overshadowing created by the additional 2 storeys. The shadow diagrams indicated the following impacts:

9am	Some minor overshadowing of commercial buildings in Kendall Street
12noon	Some minor overshadowing of commercial/vacant lot in Parkes Street
3pm	Some minor overshadowing of 3 residential properties (dwelling houses) in Harris Street. There is minor overshadowing of the rear yards of these properties, whereby most of the shadows would fall within the shadows already

cast by the existing structures on those properties.

It is therefore considered that the additional 2 storeys would not create any significant overshadowing impacts on residential properties.

Traffic Officer

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

1. *The Traffic Report submitted with the development application was prepared by Varga Traffic Planning Pty Ltd dated 3 April 2013.*
2. *The Traffic Report indicated that “Loading/servicing for the proposed development is expected to be undertaken by a variety of commercial vehicles up to and including 8.8m long medium rigid trucks such as garbage trucks and removalist trucks. The loading dock is to be located on the ground floor level at the rear of the Commercial Unit 2 adjacent to the basement entry ramp. A further two short- term spaces (for couriers etc.) are also proposed on the ground floor level alongside the eastern property boundary. Vehicular access to the loading dock and short-term spaces is to be provided via the abovementioned proposed site access driveway in Hassall Street”.*

Description/Development Control/Design Requirements	Proposal	Comments	Compliance
<p><i>Parking Requirements - Parramatta City Centre LEP 2007 – Clause 22 (c) maximum car parking rates</i></p> <ul style="list-style-type: none"> ➤ 1 space per 1, 2 and 3-bedroom units x 156 = 156 parking spaces ➤ 1 space per 5 dwellings for visitors x 156 = 31.2 (31) parking spaces ➤ 1 space per 100m² GFA commercial x 513m² GFA = 5.13 (5) parking space <p><i>Total = maximum of 192 parking spaces (156 spaces for residents; 31 for visitors; 5 parking space for commercial tenancy)</i></p>	<p><i>155 parking spaces (including 16 disabled/adaptable parking spaces; 7 commercial parking space; 131 residential parking spaces and 1 carwash bay). In addition, there are also 3 parallel 'short term parking bays' on opposite the ground floor near the fire control room, sprinkler room and plant room.</i></p> <p><i>There are 6 bicycle racks/storage (2 on each B; B2, and B3) 3 basement levels located on near the lift.</i></p>		<p><i>Yes (the number of parking spaces provided on-site does not exceed the maximum allowable parking provision)</i></p> <p><i>Yes</i></p>
<p><i>Parking Spaces – Layout and dimensions (Figures 2.2 and 2.5 of AS 2890.1-2004; AS 2890.6-2009)</i></p>	<p><i>The dimensions of the parking spaces and aisle width, as shown on the submitted DA plans = 2.4m wide x 5.4m long</i></p>		<p><i>Yes</i></p>

	<p>and 5.8</p> <p>The dimensions of the 2 parallel resident parking spaces (R141 and R140) – 2.4m wide x 6m long for R141 and 6.7m long for R140) between the walls.</p> <p>At blind aisle, the aisle is extended by 1.175m beyond the last parking space, and the last parking space has been widened by 300mm as it is bounded by a wall.</p> <p>The dimensions and configuration of the disabled parking spaces = dedicated space plus shared space (2.4m wide x 5.4m long each with a bollard installed on the shared space),</p>		<p>Yes</p> <p>Yes</p> <p>Yes</p>
On-site manoeuvring (AS 2890.1-2004 Clause B3; Figures B3 and B7)	Swept path plans have been submitted for vehicle access into the garbage collection loading bay and in parking spaces within the basement level.	It should be noted that I have discussed the manoeuvring of garbage truck into the garbage collection/loading bay with the Traffic Consultant (Robert Varga) on Monday, 3 June 2013. The swept path analysis as shown on the Traffic Report is not acceptable as the turning path of the wheel base of garbage truck encroached on the 'ramped kerb' for both entry and exit swept turning path. All other swept turning paths are acceptable on traffic and parking grounds.	<p>Yes (for entry and exit into and out of the parking spaces)</p> <p>No (for garbage turning swept path) The applicant is required to modify turning and manoeuvring of a medium rigid vehicle (MRV) into the garbage collection/loading bay. It is noted that the submitted Ground Floor Plan (Dwg DA06 Issue A) is not consistent with the DA plan used by the Traffic Consultant.</p>

<i>Vehicular Access Driveway entry and exit - Clause 3.2; Tables 3.1 and 3.2 of AS 2890.1-2004</i>	<i>5.8m wide (between kerbs) combined entry and exit driveway and 5.5m ramp access to the 4 basement levels off the eastern end of Hassall Street.</i>		Yes
<i>Driveway gradients - Clause 2.5 and Clause 3.3 of AS 2890.1-2004</i>	<i>The gradients of the driveway and the ramp access to the basement level, as shown on the submitted DA plans, are 1:20 (5%) for 6m long from property boundary, 1:8 (12.5%) for 9.6m long; to basement level, the gradients are 1:5 (20%) for 4m long and 1:8 (12.5%) for 2m long then 1:5 (20%) for 13.5m long. The gradients on B2; B3 and B4 are the same.</i>		Yes
<i>Traffic Generation – Roads and Maritime Services (formerly RTA) Guide to Traffic Generating Developments traffic generation rates for residential development. Existing development = nil Proposed development -</i> <ul style="list-style-type: none"> ➤ <i>Residential component – 0.24 peak hour vehicle trips per unit for metropolitan regional (CBD) centres</i> ➤ <i>Commercial component – 2 peak hour vehicle trips per 100m² GFA.</i> 		<i>Existing development = 13.9 peak hour vehicle trips Proposed development = 37.4 (residential) + 4.7 (commercial) = 42.1 peak hour vehicle trips Net increase = 28.2 peak hour vehicle trips Accordingly, it is considered that the increase in traffic to be generated by the proposed development is not expected to have a significant impact on Hassall Street and Wigram Street Parramatta and the surrounding road network.</i>	

Conclusion

Based on the analysis and information submitted by the applicant, the proposed development is not expected to have a significant traffic impact on Hassall Street and Wigram Street Parramatta and the surrounding road network. The proposal can be supported on traffic and parking grounds provided that:

- *The applicant is required to confirm and modify the turning and manoeuvring of a medium rigid vehicle (MRV) into the garbage collection/loading bay. Discussion with the Traffic Consultant (Robert Varga) on Monday, 3 June 2013, indicated that the submitted Ground Floor Plan (Dwg DA06 Issue A) is*

not consistent with the Ground Floor DA plan that was used by the Traffic Consultant for this analysis; and

- *Subject to the recommended traffic related conditions.*

Planning Comment: Council's Traffic Officer reviewed further information submitted with respect to the garbage truck manoeuvrability in the loading bay. In this regard, a fully mountable rolled-top kerb within the perimeter of the loading bay can be constructed so that the trucks can drive over it, whilst keeping the rain water out of the bin rooms. The provision of a mountable rolled-top kerb within the perimeter of the loading bay is supported on traffic and parking grounds in order to assist the manoeuvring of MRV and garbage truck (8.8m long) and can be incorporated within conditions of consent. The recommended conditions of Council's Traffic Officer are incorporated within the Recommendation section of this report.

Tree Management & Landscape Officer

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

Issues

Impact on Site Trees

Trees to be removed are:

<i>Tree No</i>	<i>Name</i>	<i>Common Name</i>	<i>Location</i>	<i>Condition/Height</i>	<i>Reason</i>
2	<i>Chamaecyparis obtusa</i>	<i>False Cypress</i>	<i>Refer to arborist report</i>	<i>Good/7m</i>	<i>Located within the proposed building platform</i>
3	<i>Cupressus sp.</i>	<i>Cypress Pine</i>	<i>Refer to arborist report</i>	<i>Good/6m</i>	<i>Located within the proposed building platform</i>
4	<i>Araucaria columnaris</i>	<i>Cook Pine</i>	<i>Refer to arborist report</i>	<i>Fair/10m</i>	<i>Located within the proposed building platform</i>

Landscape

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

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

Catchment & Development Engineer

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

DISCUSSION IN TERMS OF FLOOD RELATED ISSUES

The property is affected by 20 & 100 year flood and Probable Maximum Flooding (PMF). Due to the flood affectation and the close proximity to the Clay Cliff Creek, a "Flood Impact Assessment" Report, dated May & October 2013, prepared by Cardno was submitted to Council. Council assessed the flood report by Bewsher Consulting. Flood compatible measures such as habitable floor levels have all been incorporated to minimise the flood impacts in the vicinity of the development.

Site based Flood Emergency Response Plan including flood warning system and detailed evacuation plan shall be implemented and maintained during life cycle of the development. It is not practical to design the basement ramp entry point to be above the PMF level. Therefore, the above site being located next to Clay Cliff Creek and the best way of managing flood situation closer to PMF is by way of installing flood gate at the crest of all the basement car park ramps, providing adequate warning signs and making the residents to be aware of flooding. Appropriate condition will be included to comply with these requirements.

Due to the close proximity of the Clay Cliff Creek, proposed basement can receive seepages, if the basement walls are not water tight. Therefore, a special condition will be imposed to construct the perimeter walls of the basement using "Tank Construction" method.

Access/driveway gradients/vehicle manoeuvring, Easements

A Traffic Report was submitted to Council. The DA was referred to Council's Traffic Division for formal assessment and comments. In addition to this, the Standard Engineering Conditions relating to the driveway gradients etc. will also be imposed.

DISCUSSION IN TERMS OF STORMWATER DISPOSAL

The development site comprises of appropriate site stormwater disposal system. The discharge from the drainage system will be drained and be connected to the existing street drainage system.

CONCLUSION

The property is affected by 20 year & 100 year mainstream flood frequencies and also affected by PMF. The PMF level is approximately RL 9.44m AHD, which is above the basement driveway ramp crest entry levels for all basement car parks. Therefore, the basement floor is likely to be flooded during the PMF event. Due to this reason a "Flood Impact Assessment Report" was prepared by Cardno Consultant to address the issues. The proposed development habitable floor levels are well above the 1 in 100 year level. Appropriate conditions will be included with the approval, in terms of the Flood Emergency Detailed Response Plan incorporating specific vertical evacuation flood refuges in each of the buildings, effective evacuation procedures and the responsible person for each of the buildings and

other appropriate Measures to be put in place. Therefore, the proposal satisfies the requirements of Council's control and can be supported, subject to the following Standard and Special conditions of consent.

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

Public Arts Officer

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

It is noted that the arts plan submitted with the development application gives only a broad outline/framework of the proposed initial themes and process at this stage. Whilst Council considers that the Arts Plan has not met the optimum criteria required, we are reasonably satisfied with the initial scope and direction that the proposed arts plan will take.

It is therefore proposed that a condition of consent be applied that will ensure completion of the arts plan in line with their projected implementation schedule (as required in the arts plan), prior to the issue of the construction certificate.

The Arts Plan takes into consideration the developments' location and the significance of the building in response to the heritage sites located on Wigram and Hassall Streets. Council supports the proposed sculptural artwork at the buildings entrance however requires the scale of the artwork to be appropriate to the scale of the development. Council supports a nominated budget for Artwork ranging from 0.25 - 1% of the total cost of the development (in this case \$30m). Further, it is recommended that the patterns on the sculptural skin of the artwork reflect the heritage elements of Parramatta as proposed in the plan. Documentation outlining this design process be submitted to Council as part of the design/development phase prior to issue of the construction certificate.

It is therefore proposed that conditions of consent be applied that will ensure completion of the arts plan.

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

Environmental Health Officer

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

Contamination:

The statement of environmental effects by Caladines Town Planning Pty Ltd states the following:

Clause 7 of SEPP 55 requires the consent authority when assessing a development application to consider whether the subject land is contaminated. Council must be satisfied that the land is suitable for the purpose for which development consent is

sought or whether remediation of the land needs to occur prior to such use occurring.

It is noted from archival searches of what the land has previously been used for and aerial photographs of the site. It has been concluded that the site has never been used for industrial purposes or for a commercial purpose that would give rise to the site being contaminated. It is noted that prior to the current commercial buildings being constructed, the land was used for residential purposes. See archaeological report accompanying the application.

Further, it is noted from Council's records that the site is not listed as being subject to contamination. In view of such desk top search, the site is not considered to be subject to contamination and the provisions of the SEPP are satisfied.

Comments:

I have searched council records and could not identify any flagging on the property files or on the S149 certificates that indicate that the land may be potentially contaminated. I have also searched the aerial photographs on GIS.

As this property is bordered by the creek line, which may have been subject to imported fill in the past, there may be some potential to identify contamination during the demolition/excavation phase. As such I recommend some asbestos conditions be attached.

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

Waste Management Officer

The application was referred to Council's Waste Management Officer who reports as follows:

Discussion

Council's Waste Management Officer has reviewed the application and the following updated information has been provided:

- *Waste collection details are illustrated in drawing DA23*
- *660 litre bins are used for waste and recycling products*
- *Bins are not wheeled on to the street frontage for collection, the collection bay is immediately adjacent to the bin room and the garbage truck will collect these here*
- *The Traffic Report indicates the garbage truck manoeuvring into the loading bay for collection*
- *No grease traps are proposed as there is no waste being produced to demand them*
- *Any private contractor will be capable of collecting the waste based on the standard truck size.*

No details of whom the private contractor is has been provided but this can be addressed using standard conditions of consent.

Conclusion

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

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

Civil Assets/Urban Design

The application was referred to Council's Civil Assets Team and Urban Design Team for review of the Alignments Plan submitted with the application. The following comments were received:

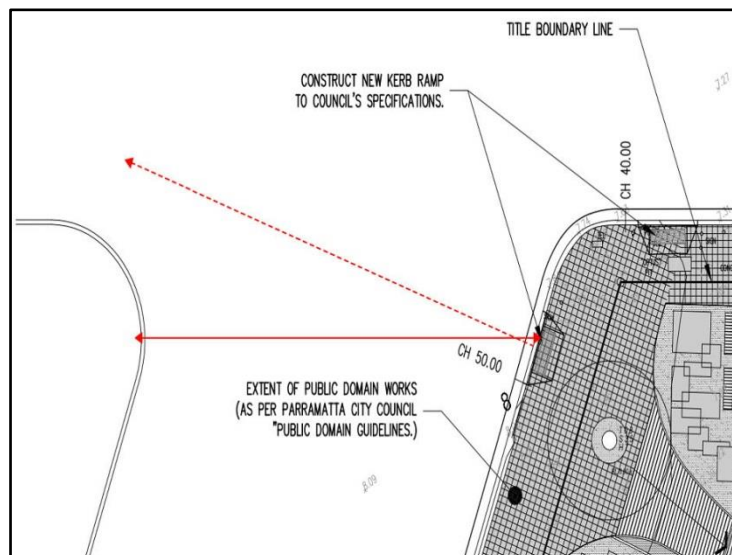
Civil Assets

I have reviewed the alignments plan and sections for this development and am satisfied that design levels are suitable.

The only change I would like to see is on drawing C01 'Alignments Plan'. The reference to Council's Standard Drawing number DS9 for the footpath crossing on the Hassall Street frontage, should be replaced with "Council's Standard Drawing DS40 v5 Sheet 3".

Urban Design Comments

The alignments plan is still not correct. The kerb ramp in Wigram Street leads pedestrians out into the street dotted line on the attached plan I have drawn on the plan the path of travel solid line which will inform the angle of the ramp.



Planning Comment: The minor variations to the Alignments Plan can be resolved via a condition of consent, which has been incorporated within the Recommendation section of this report.

PUBLIC CONSULTATION

In accordance with Council's Notification DCP, the proposal was advertised with owners and occupiers of surrounding properties, and members of Council's Heritage Committee given notice of the application for a 21 day period between 15 May 2013 and 5 June 2013. In response, 4 submissions were received. The issues raised within these submissions are discussed below.

Overshadowing at 111 Wigram Street

Concern is raised that the proposed development will overshadow the adjoining property at 502/111 Wigram Street.

Planning Comment: The shadow diagrams submitted indicate that the balcony to this unit will receive solar access between 12noon and 3pm. No windows to habitable rooms will be overshadowed by the proposed development.

Overshadowing at 31-37 Hassall Street

Concern is raised that the proposed development will overshadow the adjoining property at 611/31-37 Hassall Street.

Planning Comment: The shadow diagrams submitted indicate that the balcony to this unit will not be affected by this proposed development. No other habitable rooms face the proposed development.

Overlooking into 31-37 Hassall Street

Concern is raised that the proposed development will overlook the adjoining property at 611/31-37 Hassall Street.

Planning Comment: The residential component of the rear of the site at 31-37 Hassall Street is located approximately 6.5m from its western boundary. There are limited balconies located on the eastern side of the development that would overlook the objector's property. These balconies are relatively small in size and cannot accommodate large numbers of people, which restricts the type of activities likely to occur in these private open spaces. The balconies are located approximately 19m from the objector's balcony and all lower level balconies (up to level 5) have sliding metal louvres for privacy control. It is therefore considered that there will not be a significant impact of overlooking.

Character of the area

Concern is raised that the proposed development is too large in scale and height. Eight storeys would be a more appropriate height for this site.

Planning Comment: The proposed development is compatible with the existing and future planning controls for the City Centre. The proposal is the result of an Architectural Design

Competition and is deemed to exhibit design excellence. The proposed development is therefore considered to be compatible with the area.

Increasing Residential Density

Concern is raised that Parramatta CBD will contain too great a proportion of residential development as opposed to commercial development.

Planning Comment: The subject site is zoned for mixed use development (B4 zoning), which allows for purely residential development. Notwithstanding this, the proposal incorporates 512m² of retail/commercial floor space within 6 tenancies at ground level. This will assist in supporting the commercial core of the City and activating the streets on the fringes of the City core area.

Loss of Solar Access to Unit 75/26-30 Hassall Street

Concern is raised that the proposed development will overshadow the property at 75/26-30 Hassall Street.

Planning Comment: The objector's property is located to the north-east of the subject development site. The proposed development will not cast any shadows over this unit.

Loss of View from Unit 75/26-30 Hassall Street

Concern is raised that views to Harris Park and the southern districts would be negatively impacted by the proposed development.

Planning Comment: A process as to the assessment of views was established by the planning principle of the Land and Environment Court developed in the judgment of *Tenacity Consulting v Warringah* [2004]. This principle outlines the following steps in the assessment of view loss. Assessment is provided below each of the steps.

1. *Assess the views that are affected*
The affected view is the view south towards Harris Park. This view presently consists from this perspective of a series of scattered low density housing with no particularly significant or iconic structures visible from the site.
2. *Consider from what part of the property the views are obtained*
The affected views are obtained from 2 front balconies.
3. *Consider the extent of the impact*
Views to the southeast are likely to be maintained given the location of the proposed development. Views directly to the south will be wholly obstructed by the proposal.
4. *Consider the reasonableness of the proposal that is causing the impact*

The proposed development complies with the relevant floor space that applies to the subject site. It is noted that the building does not comply with its height requirements. Nonetheless, view loss would still occur if the proposed development did comply with the height requirements. Therefore, the impact upon the view is not a result of the non-compliance of the height.

It is considered that measures required to preserve the existing view would be unreasonable given the planning controls relating to the site and the number of sites between the view and the objector's property. It is noted that there are 2 blocks from the views across largely undeveloped city blocks.

Given the above, as the views are not especially significant, some view lines will be maintained, and as the proposed development will generally sit within an envelope anticipated by the planning controls applying to the site, it is considered that the proposal does not significantly impact on any view for which there might be a reasonable expectation of retention.

It is not considered that there is any reasonable measure that could be employed to ensure retention of the affected views.

Overlooking into Unit 75/26-30 Hassall Street

Concern is raised that the proposed development will overlook into the bedroom and living area of this dwelling.

Planning Comment: The objector's property is located approximately 16m across the road from the subject development site. The proposed development will not create any significant overlooking into habitable areas that could not be managed by appropriate window furnishings.

Noise

Concern is raised with the impacts of construction noise.

Planning Comment: Conditions restricting construction activities have been included within the Recommendation section of this report. Such conditions relate to the noise, dust and hours of operation during construction works. A complaint register is also to be kept on site. These conditions seek to minimise and appropriately manage the construction phase of the development.

Traffic

Concern is raised that the proposal will result in increased traffic.

Planning Comment: The proposed development will result in a net increase of 28.2 peak hour vehicle trips. Council's Traffic section have assessed the traffic impacts of the proposed development and advise that the increase in traffic to be generated by the proposed development is not expected

to have a significant impact on Hassall Street and Wigram Street and the surrounding road network.

Safety Issues

Concern is raised that an increased density will result in increased theft and crime.

Planning Comment: There is no evidence to suggest that future residential occupants of the site will cause an increase in theft and crime within the area. The application has been designed to take into account the principles of CPTED (Crime Prevention Through Environmental Design) and has proposed a ground level activation of both Wigram Street and Hassall Street and increased natural surveillance over the public domain.

Environmental Issues

Concern is raised that the removal of trees and increased density will have a direct impact on the environment (energy consumption, vehicle usage and waste).

Planning Comment: Only 3 trees are proposed to be removed. A number of trees will be planted within the site as part of the development application. Impacts of the proposed development upon the environment have been considered in the assessment of this application and are contained within this report. Appropriate conditions of consent have been imposed to minimise the impact on the environment, along with the requirement to obtain the appropriate approval of water and electricity providers.

Impact on Views from Unit 238/13-15 Hassall Street

Concern is raised that views to the river and parkland would be negatively impacted by the proposed development.

Planning Comment: A process as to the assessment of views was established by the planning principle of the Land and Environment Court developed in the judgment of *Tenacity Consulting v Warringah* [2004]. This principle outlines the following steps in the assessment of view loss. Assessment is provided below each of the steps.

1. *Assess the views that are affected*
The affected view is the east towards Parramatta River and Robin Thomas Reserve. This view presently consists from this perspective of a series of scattered high density housing with no particularly significant or iconic structures visible from the site.
2. *Consider from what part of the property the views are obtained*
The affected views are obtained from part of the balcony area. It is noted that this would not necessarily be the predominant outlook from the private open space as the balcony primarily faces southeast.

3. *Consider the extent of the impact*

Views to the northeast to the river are likely to be maintained given the location of the proposed development. Views to the east across to Robin Thomas reserve are likely to be obstructed by the proposal.

4. *Consider the reasonableness of the proposal that is causing the impact*

The proposed development complies with the relevant floor space that applies to the subject site. It is noted that the building does not comply with its height requirements. Nonetheless, some view loss would still be likely to occur if the proposed development did comply with the height requirements.

It is considered that measures required to preserve the existing view would be unreasonable given the planning controls relating to the site and the number of sites between the view and the objector's property.

Given the above, as the views are not especially significant, some view lines will be maintained, and as the proposed development will generally sit within an envelope anticipated by the planning controls applying to the site, it is considered that the proposal does not significantly impact on any view for which there might be a reasonable expectation of retention.

It is not considered that there is any reasonable measure that could be employed to ensure retention of the affected views.

Impact on Visual Privacy for Unit 238/13-15 Hassall Street

Concern is raised that the visual privacy of the apartment would be eliminated.

Planning Comment: There is a separation distance of approximately 85m between the boundary of the subject site and the objector's site. Two buildings and 2 roads separate the properties. It is considered that the proposed development would not impact upon the visual privacy of the objector's unit.

Amended Plans

Yes

Summary of amendments

The plans were amended on the ground floor and basement level 1. Amendments included changes to car space numbering, minor changes to the driveway and ramp gradients and increased planting along the eastern boundary.

Amended Plans re-advertised or re notified

No

Reason amendments not renotified

In accordance with clause M entitled "*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*" of Council's Notification Development Control Plan the application did not require re-notification as the amended application is considered to be substantially the same development and does not result in a greater environmental impact.

ENVIRONMENTAL PLANNING INSTRUMENTS

STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

The provisions of SEPP No. 55 have been considered in the assessment of the development application.

The properties have recently been used for commercial purposes. Based on information received from the applicant, and comments received from Council's Environmental Health Officer, there is no evidence that any contaminated land use activities have been carried out and there is low potential for the site to be contaminated.

Accordingly, the development application is satisfactory having regard to the relevant matters for consideration under SEPP 55.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

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

STATE ENVIRONMENTAL PLANNING POLICY 64 – ADVERTISING & SIGNAGE

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

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The application for the mixed use development has been accompanied with a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal.

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

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

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

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

- protect and rehabilitate riparian corridors and remnant vegetation.

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. However, the site is not located on the foreshore or adjacent to a waterway and therefore, with the exception of the objective of improved water quality, the objectives of the SREP are not applicable to the proposed development. The development is consistent with the controls contained within the deemed SEPP.

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

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

Context

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

Scale

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

Built form

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

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

Density

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

Resource, energy and water efficiency

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

Landscape

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

Amenity

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

Safety and security

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

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

Social dimensions

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

Aesthetics

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

Residential Flat Design Code

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

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

The following table highlights the controls relevant to this proposal:

CONTROL	REQUIREMENT	PROPOSAL	COMPLIANCE
Building Depth	Depth should be between 10-18m	The dwelling depth is however 7-14m	Yes
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys) 25m between habitable (9 storeys and above)	East: 18m (min) – up to 9 South: 11m (min) – up to 4 10m (min) – up to 9	Yes No (however no windows face adjoining habitable windows)
Storage	Studio - 6m ³ 1 bedroom - 6m ³ 2 bedroom - 8m ³ 3 bedroom - 10m ³	Studio - 6m ³ 1 bedroom - 6m ³ 2 bedroom - 8m ³ 3 bedroom - 10m ³ Storage areas are provided within the basement levels	Yes
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All dwellings have balconies with a minimum depth of 2m	Yes
Residential Ceiling heights	Minimum 2.7m	2.7m (probable)	Not indicated on the plans but probable
Min. Apartment size	Studio 38.5m ² 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	Studio 44m ² 1 bedroom 50-67m ² 2 bedroom 70-92m ² (3 x 2 bed units are 67m ²) 3 bedroom 95m ² (1 x 3 bed unit is 90m ²)	Yes/In part (minor non-compliance with 3 x 2 bed units & 1 x 3 bed) = 2% variation only is considered acceptable
Open Space	The area of communal open space should be between 25-30% of the site area (25%=688m ²).	Approx 994m ² or 36% is communal open space (ground level & Levels 2 to 6)	Yes
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone 25%=172m ²	Total = 299m ² or 43% (to be confirmed) 1790m ² provided as landscaped area	Yes
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	8 units max per floor	Yes

Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice	123 units or 79% achieve 2 hours or more solar access	Yes
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	15 units = 10% face south	Yes
Natural ventilation	60% of units should be naturally cross ventilated	130 units or 83% units are cross-ventilated	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation (on external walls)	118 units or 76%	Yes

Planning comment in general:

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

Local Context

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

Site Design

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

Building Design

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

PARRAMATTA CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2007

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

Aims and Objectives

The proposed development is consistent with the aims and objectives of the B4 Mixed Use zoning applying to the land. The proposal provides a mixture of compatible land use, integrates suitable business and residential activities in

accessible locations to maximise the use of public transport, creates opportunities to improve the public domain and supports the higher order Commercial Core Zone.

Height of Buildings

Clause 21 restricts the height of the building to a maximum height limit of 54m. The proposed development was the winning entry in a design excellence competition and was awarded a 10% bonus on the height control. The maximum permissible floor height by virtue of Clause 22B(6) is 59.4m. It is noted that the Competition Design Jury formed the view that a maximum of 63m should be allowed (under conservation incentives of LEP2007). This figure was determined using the median between the adjoining base height controls.

The proposal has a height of 69.33m (top of ceiling) and 72.83m (top of plant and equipment) which does not comply with this requirement. Even though the plant and equipment areas are contained within a simple block design which forms an integral part of the building, it is not considered to be an architectural roof feature. The non-compliance with the height controls is therefore 13.43m (or 9.83m above the Jury recommendation). The non-compliance represents a 22.6% variation to the height control.

Mechanisms to vary height control

The applicant has submitted a Clause 24 variation to the height controls under LEP2007, in addition to utilising the conservation incentives under Clause 35(9) of LEP2007. The conservation incentives cannot on their own be used to justify the additional height of the proposed building. This is because only part of the site contains heritage items, not the entire site. A Clause 24 variation to the height control is therefore required to be submitted for the increase above that awarded by the Design Jury.

Clause 24 Variation

The application is subject to a Clause 24 variation in respect of the non-compliance with Council's height development standard. Clause 24 permits variations where compliance is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify contravening the standard.

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

The variation to the height control is reasonable because:

- *The proposal provides for a maximum building height limit of 72.83m or a 22.3% variation of the standard. The proposed building is considered to be a well-considered solution, given the unique characteristics of the site and context of an area in transition from low to medium rise development to a multi-storey mixed residential and retail/office precinct;*
- *Promotes a taller slender built form, allowing floor space to be redistributed throughout the proposed building;*

- *This context also justifies a variation to the height controls that apply to the site due to the change in strategic direction that Council and NSW Planning have adopted for the planning and design of the Parramatta CBD.*
- *The proposal achieves a more balanced urban design and planning outcome for the streetscape and will deliver an appropriate response to the scale and form of other high rise mixed use developments approved, proposed or built in the visual context of the site;*
- *the site is located on a corner with two (2) street frontages and it is fundamental urban design principle to allow taller buildings on corners to be higher than buildings located in midblock sites;*
- *does not significantly increase shadow cast towards the rear and sides of the site;*
- *Satisfies the relevant objectives of the height standard in that no identified views will be interrupted or lost to that of a mixed use development which fully complies with the 54m or 59m (Design Excellence Approval) height limit;*
- *satisfies the intent of Council's strategic planning vision to stimulate the Parramatta CBD economy by increasing population and workforce;*
- *is consistent with relevant State and Regional Planning Policies;*
- *promotes the orderly and economic use of the land, given the site is flood affected and contains two (2) heritage items that are required as part of the application to be fully restored and maintained in perpetuity;*
- *offers sufficient environmental planning grounds to serve the public interest.*

Mixed Use Zone

The proposed mixed use development is in keeping with the zone objectives because:

- *The proposed building is complimentary to the functions of a major CBD environment, promoting a living and working environment;*
- *The increase in height and units brings with it many positive social and economic benefits including the creation of short and long term jobs;*
- *Other types of land uses within the visual catchment of the site include retail and commercial development that complement each other;*
- *The proposed building will enhance the streetscape of this precinct of the Parramatta CBD:*
- *Promotes additional economic benefits that better serves the restoration works and on-going maintenance to the heritage items on this site.*

Land & Environment Courts Assessment

Winten Property Group Ltd v North Sydney Council (2001 J NSWLEC 24).

Justice Lloyd's Questions - Winten Property Group v North Sydney Council 2001

Justice Lloyd raised in this case, five questions that must be considered in the assessment of a SEPP 1 Objection, in the subject application, it relates to Clause 24 of PCCLEP 2007 because SEPP 1 does not apply to this new planning instrument.

Question 1

Is the Planning Control in Question a Development Standard?

Clause 21 Building Height control is contained within an Environmental Planning Instrument that was prepared in accordance with the provisions contained within the

Environmental Planning & Assessment Act 1979 and therefore is a development standard that controls the height of buildings in the Parramatta CBD.

Question 2

What is the Underlying Object or Purpose of The Standard?

The relevant objectives behind Clause 21 "Height of Buildings" are to:

- (2) *The objectives of this Plan for the control of the height of buildings are as follows:*
- to allow sunlight access to key areas of the public domain by ensuring that further overshadowing of parks, the river and community places is avoided or limited during nominated times;*
 - to provide high quality urban form for all buildings;*
 - to maintain satisfactory sky exposure and daylight to existing buildings, to the sides and rear of tower forms to public areas, including parks, streets and lanes;*
 - to ensure that taller development occurs on sites capable of providing appropriate urban form and amenity;*
 - to nominate heights that will provide a transition in built form and land use intensity within the area covered by this plan;*
 - to require the height of future buildings to have regard to heritage sites, and their settings, their views and their visual interconnections;*
 - to ensure the preservation of historic views shown in the City Centre Development Control Plan.*

Question 3

Is compliance with the development standard consistent with the aims of the policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in Section 5(a) (i) and (ii) of the Environmental Planning & Assessment Act 1979.

This issue in itself would hinder the attainment of the Environmental Planning & Assessment Act 1979 objective, which seeks to promote the orderly and economic use and development of land. The reasons why the additional building height achieves the objects of the Act are:

- The proposed development is permissible under the B4 Mixed Use zone of PCCLEP 2007 and is consistent with the sites zones objectives;*
- The building's design achieves design excellence through a formal design competition held in accordance with the Director General's Design Excellence Guidelines;*
- The additional height has allowed the floor space to be better distributed throughout the building to achieve a superior design to that of a smaller building form;*
- The objective of the standard is met because the building has been designed so it does not cast significant overshadowing onto other land and the public domain;*
- Presents a building of lesser bulk and scale to that of a fully compliant scheme;*

- *The proposed design is in the public interest as it promotes a quality built form and will engage in responding to a need for greater economic benefits to this region.*

Question 4

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Compliance with the development standard is deemed to be unreasonable and unnecessary because the underlying objective behind the control is met because:

- *the departure sought does not create any additional or unreasonable impacts upon the built and natural environments. There is no significant increase in overshadowing because of the buildings slender aesthetic appearance;*
- *Notwithstanding the non-compliance with the height control, the proposed high rise mixed use development will perform favourably in relation to the objective of the standard. In particular, the generic intent behind the height standard is to control bulk and scale and not to unreasonably increase amenity impacts.*
- *The application clearly demonstrates that the proposed building can readily fit within a transitional CBD environment where the built form is changing.*

Question 5

Is the objection well founded?

We are of the view that the objection is well founded because:

- *The objective of the standard is met because the building has been designed so it does not increase overshadowing onto residential properties or reflect a greater bulk and scale to that of a fully compliant scheme, which is reflected in the accompanying drawings and photomontages;*
- *The proposed built form will fit better into its high rise context and into the adopted building height plane, which has been followed by the design before Council;*
- *The departure sought will have no unreasonable impact upon the amenity of other buildings and their occupants in this precinct;*
- *The proposed design is in the public interest as it promotes a quality built form and will engage in responding to a need for greater economic benefits to this region.*

Conclusion

It is considered that the objection to the strict application of the development standard in this instance has been demonstrated to be unnecessary because:

- *The design has gone through a rigorous design excellence competition process and as such the design and its presentation to the surrounds will enhance the architecture of the Parramatta CBD;*
- *The objective of the tower is to present a unique form of high quality design, which will contribute positively to the Parramatta skyline;*
- *The additional height provides more units with better opportunities to achieve enhanced levels of amenity for future residents. No views are lost from surrounding properties and the increase in overshadowing is not unreasonable for a dense CBD environment;*

- *The additional height does not generate an increase in overlooking, or general loss of amenity issues to arise;*
- *The flexible application of this clause will enable a better planning outcome to be achieved for this site, promoting increased residential densities without a tangible impact;*
- *The proposed building and height has regard to the siting of the adjoining buildings and has provided adequate setback and treatment of the building to improve visual impact but minimise loss of daylight and visual and acoustic privacy;*
- *The building height will have no impact on solar access to key areas of the public domain;*
- *The shape of the building and modulation of mass within the proposed building form minimises the bulk of the building and facilitates visibility and daylight access;*
- *The development will make a contribution to the eclectic character of the area given the quality architectural design;*
- *Compliance with the development standard is unreasonable in this instance because the increase in height will not result in any additional environmental impacts to that of a fully height compliant scheme;*
- *The proposal provides for an architecturally sound building that is well articulated and modulated, redistributing floor space throughout the building and is therefore in the public interest;*
- *The design is consistent with the underlying objectives of the building height development standard;*
- *The design satisfies the Land and Environment Court's test judgments for a well-founded objection to vary a development standard;*
- *The change to the control does not undermine the objects contained in Section 5 (a) (i) & (ii) of the Environmental Planning & Assessment Act 1979.*

The development standard is a local planning matter because it is contained within the PCCLEP 2007 and the variation of such standard will have no adverse impact upon any regional or State matters.

Accordingly, in view of the above comments it is this firm's opinion that the standard is both unreasonable and unnecessary under the circumstances and therefore the variation to the height of buildings standard warrants approval.

Conservation Incentives

Clause 35(9) provides the consent authority the opportunity to grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan.

The application utilises these conservation incentives to vary the height controls of LEP 2007. In order for the variation to be permitted using this clause, the consent authority needs to be satisfied of the following:

- (a) the conservation of the heritage item is facilitated by the granting of consent, and**

Each of the heritage items as set out in the Conservation Management Plan (CMP) are in reasonably poor condition and in a state of disrepair. Age and flooding over the years has caused damage to footings and the internal and external fabric of each building. Granting consent to the design scheme as part of this DA ensures there will be adequate funds available to carry out restoration works to each building per the CMP and maintain each building in perpetuity with funds for on-going maintenance.

- (a1) if the development is to contravene a development standard, the additional value that contravention of the development standard will add to the development is consistent with the value of conserving the heritage item, and**

The variation to the building height control constitutes a contravention of a development standard and generates additional value that would be justified and consistent with the value of the conservation of the heritage items. A quantity surveyors report has been submitted that indicates a restoration estimate of \$1,450,068 for the heritage items. This has been reviewed by Council's Heritage Advisor and deemed to be satisfactory.

In addition, the retention of the heritage buildings demands a significant dedication of open space around the frontage of both streets. Without compensation for this dedicated of site area the intended residential yield for this site will not be achieved and an opportunity in a central location lost for intensive residential development.

- (b) the proposed development is in accordance with a heritage conservation management plan that has been approved by the consent authority, and**

The applicant has submitted a Conservation Management Plan and a Schedule of Works which was reviewed by Council's Heritage Advisor and deemed to be satisfactory.

- (c) the consent to the proposed development would require that all necessary conservation work identified in the heritage conservation management plan is carried out, and**

Conditions are incorporated within the Recommendation section of this report requiring the schedule of works to be carried out to the heritage items before the issue of any Occupation Certificate.

- (d) the proposed development would not adversely affect the heritage significance of the heritage item, including its setting, and**

The glazed and setback ground floor of the podium level provides a backdrop to the heritage items that will not dominate the visual appearance of the heritage items. Council's Heritage Advisor has reviewed the proposed development and no concerns are raised with the impact upon the heritage items.

(e) the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

A full assessment of the proposed development under the provisions of Section 79C of the EPAA has been carried out (as contained within this report) and it is considered that the proposed development would not have any significant adverse effect on the amenity of the surrounding area.

Council's Heritage Advisor has reviewed the documentation submitted with the application and advises that sufficient justification has been provided to satisfy the conservation incentive clause of LEP 2007.

Comments on Proposed Height:

The proposed development is essentially two storeys above the height envisaged by the Design Competition Jury. The proposed height is considered acceptable under the circumstances of this case for the following reasons:

- The proposed development seeks to retain and restore the heritage items on the site and therefore utilises the conservation incentives within the LEP2007. Council's Heritage Advisor has reviewed the application and raises no concerns with the proposed height of the building and notes the positive impacts arising from conservation works.
- The retention of the heritage items has constrained the developable area on the site. The maximum floor space permissible for this development is still not achieved with the additional height proposed.
- The proposed height will not be out of character with existing or future development within the area.

Council is currently undergoing a review of the planning framework for the City. The review focuses on the role of built form controls and the relationship between floor space ratio and height. The draft recommended option as a result of the review concentrates on floor space ratio, floor plate size and setback controls to provide for tall slender towers throughout the City. The proposed development fits within this future vision.

It is noted that a planning proposal and development application are currently under assessment for the site located across the road, to the north of the subject site (known as 189 Macquarie Street). These applications propose a 30 storey mixed use development containing 425 units with an overall height of 92.5m. This development will be over 23m higher than the subject application.

- The additional two (2) storeys contributes to the design in a positive manner by extending the height of the tower and increasing the perception of a slender building above a podium level. The proposed height provides for an improved tower aesthetic which is commensurate with the future vision for Parramatta City and supported by Council's Urban Design Team.

- The proposed additional height will not create any significant additional impacts upon residential development within the area. In this regard, it is noted that no significant views are lost from surrounding properties and the increase in overshadowing is not unreasonable for a dense CBD environment.
- The proposal is consistent with the objectives of the zone as it provides a mixture of compatible land uses in accessible locations so as to maximise public transport patronage and encourage walking and cycling, creates opportunities to improve the public domain, supports the higher order Commercial Core Zone and protects and enhances the unique qualities and character of Parramatta.
- The proposal is consistent with the objectives of the height controls as it allows sunlight access to key areas of the public domain, provides high quality urban form for all buildings, maintain satisfactory sky exposure and daylight, ensures that taller development occurs on sites capable of providing appropriate urban form and amenity, provides for a transition in built form and land use intensity, has regard to heritage sites and does not impact upon any historic views.

It is considered that the applicant's written request for a variation to the height controls under Clause 24 of the Parramatta LEP 2007 has adequately addressed that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, will not compromise the public interest and that there are sufficient planning grounds warranting support for a variation to the development standard.

Architectural Roof Features

Clause 21A allows architectural roof features to extend beyond the height limit prescribed by Clause 21. As discussed above, part of the proposed building extends beyond the permissible height limit. Even though the plant and equipment areas are contained within a simple block design which forms an integral part of the building, it is not considered to be an architectural roof feature. An assessment of the merits of the proposed height are contained within the preceding section of this report.

Floor Space Ratio

Clause 22 restricts the floor space ratio on the site to a maximum of 4:1. The proposed development was the winning entry in a design excellence competition and was awarded a 10% bonus on the floor space ratio control. The maximum permissible floor space ratio as prescribed in clause 22(2) is 4.4:1. The proposal has a floor space ratio of 4.37:1 (comprising 12,055m² of floor space), which complies with this requirement.

Minimum Building Street Frontage

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

Wigram Street = 48m
Hassall Street = 40m

The proposal therefore complies with this requirement.

Design Excellence

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

Car Parking

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

The proposed development may provide a maximum of 187 residential spaces (including 31 visitors) and 5 commercial spaces.

The application proposes 155 car parking spaces, being 148 residential and 7 commercial spaces. Although the overall number of spaces complies with the maximum provisions of LEP 2007, there is an excess of 2 car parking spaces provided for the commercial component of the proposed development. It is therefore considered that 2 of the commercial spaces be allocated to the residential component to comply with the maximum parking provisions within LEP 2007.

The car parking provided is otherwise considered satisfactory and although a further 37 spaces could be provided under the planning controls, the development adequately provides for the needs of the future occupants of the site. The site is located where it has excellent access to public transport and shopping facilities. The shortfall in parking provision is supported by Council's Traffic Engineer.

Building Separation

Clause 22D requires the proposed development to have specific building separation distances and states the following:

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

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

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

Height	Setback Required	Setback Proposed East	Setback Proposed South
0m – 36m	Nil – 6m	Nil – 8.5m ✗	7m ✗
36m – 54m	9m (min)	8.5m (min) ✓	8m (min) ✓
54m – 72m	16m (min)	8.5m (min) ✗	8m (min) ✗

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

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

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

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

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

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

In our view the variations to the numeric standard is because:

- *The buildings on adjoining sites do not comply with the current standards;*
- *The proposal involves the retention of the two (2) heritage items and provision is made for a generous curtilage around the these heritage items;*
- *There are only minor departures from the numeric standards and as such full compliance with the prescribed setback would have no less amenity impacts upon than that of a fully complying scheme as reasonable daylight, outlook, view sharing, wind, ventilation and privacy would still be affected. Basically no additional benefits would be achieved from a compliant scheme in terms of amenity.*

Accordingly, we see no additional adverse impacts being created by the proposed multi-storey mixed use development to that of a fully compliant building.

The site is zoned B4 Mixed Use under PCCLEP 2007. The zone objectives are to:

- *To provide a mixture of compatible uses;*
- *To integrate suitable business, office, residential, retail and other development is accessible locations so as to maximize public transport patronage and encourage walking and cycling;*
- *To create opportunities to improve the public domain and pedestrian links within the Mixed Use Zone:*
- *To support the higher order Commercial Core Zone while providing for the daily commercial needs of the locality, including:*
 - *commercial and retail development;*
 - *cultural and entertainment facilities that cater for a range of arts and cultural activity, including events, festivals, markets, and outdoor dining*
 - *tourism, leisure and recreation facilities*
 - *social, education and health services,*
 - *high density residential development*
 - *To protect and enhance the unique qualities and character of special areas within the Parramatta City Centre:*

The proposed development is in keeping with the zone objectives as set out in the SEE accompanying the application.

Land and Environment Courts Assessment

Winten Property Group Ltd v North Sydney Council (2001 J NSWLEC 24).

Justice Lloyd's Questions - Winten Property Group v North Sydney Council 2001

Justice Lloyd raised in this case, five questions that must be considered in the assessment of a SEPP 1 Objection, in the subject application, it relates to Clause 24 of PCCLEP 2007 because SEPP 1 does not apply to this new planning instrument.

Question 1

Is the Planning Control in Question a Development Standard?

Clause 22D Building Separation control is contained within an Environmental Planning Instrument that was prepared in accordance with the provisions contained within the Environmental Planning & Assessment Act 1979 and therefore is a development standard that controls the separation of buildings in the Parramatta CBD.

Question 2

What is the Underlying Object or Purpose of The Standard?

The Department of Planning Circular B1, numerical requirements may be departed from, if the purpose behind the control is achieved and the locality objectives of the relevant planning instruments are satisfied.

The relevant objectives behind Clause 220 "Building Separation" are to:

- Provide suitable building setbacks to promote access to daylight and natural ventilation*
- Maintain aural and visual privacy to the building*
- Reduce amenity impacts upon adjoining building*

The proposed building separation distances between buildings along the eastern and southern boundaries are acceptable because:

- No additional impacts will be created by the non-compliant separation distance to that of a fully complying scheme;*
- The variation to the separation distances are relatively minor and therefore will still achieve acceptable daylight, outlook, view sharing, wind, ventilation and privacy;*
- Generous setbacks from the proposed building to the heritage items are able to be achieved on the site;*
- The proposed high rise mixed use building was subject to an Architectural Design competition with the Jury members being of the view that the variation to the separation standards was reasonable.*

Question 3

Is compliance with the development standard consistent with the aims of the policy, and in particular does compliance with the development standard tend to hinder the attainment of the objects specified in Section 5(a)(i) and (ii) of the Environmental Planning & Assessment Act 1979.

This issue in itself would hinder the attainment of the Environmental Planning & Assessment Act 1979 objective, which seeks to promote the orderly and economic use and development of land. The reasons why the proposed high rise development would achieve the objects of the Act are:

- *The proposed development is permissible under the B4 Mixed Use zone of PCCLEP 2007 and this zones objectives;*
- *An increase in setbacks and separation distances would reduce the developments overall density because a slender building would need to be designed;*
- *The proposed development has been designed to address flooding issues associated with the site. These modifications to the design allow for the social and economic use of the land with residential housing and retail/commercial uses proposed;*
- *The proposed development seeks to maximise the sites density, which is appropriate given the sites proximity to Parramatta Railway Station and Bus Interchange, major shopping centre in Westfield and other amenities, including Robyn Thomas reserve to the east of the site;*
- *Because the proposal allows for the retention and restoration of the existing heritage items on the site;*
- *The proposal makes provision for the orderly and economic use of the site by allowing it to be developed to its maximum density potential without causing loss of amenity to neighbouring properties or future residents in the proposed building.*

Question 4:

Is compliance with the development standard unreasonable or unnecessary in the circumstances of the case?

Compliance with the development standard is deemed to be unreasonable and unnecessary because the underlying objective behind the control is met:

- *Even though the proposed high rise mixed use building is built in accordance with the DCP control. no additional impacts on natural light. view loss or overlooking. Normally causing loss of amenity would occur;*
- *Suitable screening devices are to be provided within the proposed development to offset overlooking into the neighbouring mixed use building to the south;*
- *The proposed building with a compliant building setback to the existing building to the south would still cast the same level of shadow to that of a complying development.*

Question 5:

Is the objection well founded?

In the decision (Wehbe v Pittwater Council (2007) NSW LEC 827) Chief Justice Preston expressed the view that there are 5 different ways in which an objection may be well founded and that approval of the objection may be consistent with the aims of the policy.

We are of the view that the objection is well founded because:

- *It is a local planning issue and will have no impact upon State significant development;*

- *The objectives of the control are still met because there are no demonstrated additional amenity impacts upon adjoining properties in terms of overshadowing, view loss, natural ventilation or wind mitigation nor will there be additional amenity impacts upon future residents of the proposed building;*
- *The Jury who considered the design as part of the Architectural Design Competition formed the view that Design Excellence had been achieved even though there was a departure from the separation distance planning control.*

Planning Comment:

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

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

The proposed development is reflective of the competitive design process. The design competition Jury formed the opinion that the proposed design was a high quality outcome for development on the site, inclusive of departures from relevant LEP 2007 and DCP 2007 provisions.

The development is of a scale, density, form and land use mix envisaged by the local planning controls. The departure from the building separation standard is minor and has no material impact on the public domain or on the amenity of individual apartments. The flexible application of the standard results in an acceptable development outcome, with the objectives relating to of daylight, outlook, view sharing, ventilation, wind mitigation, and privacy achieved.

It is considered therefore that the non-compliance with the development standard will not compromise the public interest and that there are sufficient planning grounds warranting support for a variation to the development standard. The encroachments into the required separation distances to the boundaries and buildings is not inconsistent with the objectives of the development standard or the objectives of the Mixed Use zone. The matter was also referred to Council's Urban Design Team who supported the variations.

It is also noted that the Minister has conferred assumed concurrence to Council for the use of Clause 24.

Ecologically Sustainable Development

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

The design has been prepared having regard to the opportunity of passive solar design and day lighting, suitable orientation and natural ventilation. Details are also outlined on the submitted Basix Certificate. The proposal provides an adequate

waste management plan and complies with Council's maximum parking provision to reduce the need for car dependency.

Special Areas

Clause 22G requires the consent authority to have regard to the objectives of the identified Special Areas within the City Centre precinct.

The subject site is located within the City East Special Area. The proposed development is consistent with the objectives of this clause as the development is compatible with the particular character and significance of this area. Further discussion having regard to the objectives for the City East Special Area is contained later within this report.

Exceptions to development standards

The application is subject to Clause 24 variations in respect of the building height (Clause 21) and building separation (Clause 22D) provisions of LEP 2007. Clause 24 permits variations where compliance is unreasonable or unnecessary and there are sufficient environmental planning grounds to justify contravening the standard.

The Clause 24 variations have been discussed for height and building separation under the specific headings within this assessment report.

Outdoor Advertising and Signage

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

Development on Flood Prone Land

Clause 33A requires the consent authority to consider the impacts of developing flood prone land.

The property is affected by the 1:20, 1:100 year flood and probable maximum flooding (PMF). Due to the flood affectation and the close proximity to the Clay Cliff Creek, a Flood Impact Assessment Report was submitted to Council. Council's Catchment Management Team have assessed the flood report and found the proposal to be acceptable. Flood compatible measures such as habitable floor levels above the flood levels and unobstructed flow paths have all been incorporated within the design to minimise the flood impacts in the vicinity of the development.

Acid Sulfate Soils

Clause 33B requires the consent authority ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.

The site is identified as containing class 4 Acid Sulfate Soil. In accordance with the LEP table, an Acid Sulfate Soils Management plan is required to be prepared (unless a preliminary assessment of the proposed works prepared in accordance with the Acid Sulfate Soils Guidelines indicates that an acid sulfate soils management plan need not be carried out for the works).

In this regard, the applicant has submitted an Acid Sulfate Soils Management Plan which outlines the proposed measures to be undertaken for portions of the site likely

to contain acid sulphate soils. A condition requiring compliance with the recommendations contained within this report are incorporated within the Recommendation section of this report.

Preservation of Trees

Clause 34 seeks to preserve the amenity of the area through the preservation of trees and other vegetation. Three (3) trees are to be removed and 1 tree is to be retained. Council's Tree Management & Landscape Officer has reviewed the tree removal and proposed landscape plans and found the tree removal to be acceptable for the proposed development.

Heritage Conservation

The site of the proposed development contains the following heritage items:

- Attached houses at 113-115 Wigram Street,
- Semi-detached cottages at 23 and 25 Hassall Street.

These items are to be retained and restored as part of the development proposal. The application was referred to Council's Heritage Officer who raises no concerns with the proposed development.

Archaeological Sites

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

The site is listed as having local significance with moderate research potential.

The Heritage Council of NSW has issued excavation permit exemptions dated 24 June 2013 for all properties, the subject of this application.

Places of Aboriginal Heritage Significance

Clause 35(7) requires the consent authority, before granting consent to the carrying out of development in a place of Aboriginal heritage significance:

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

The site is identified as having low sensitivity under the Aboriginal Pleistocene Study but identified as being of Aboriginal Association due to its proximity to a creek (now a concrete channel). The Dharug Tribal Aboriginal Corporation were notified of the proposal on 7 May 2013. No response has been received.

Notwithstanding the above, the applicant has submitted correspondence from AHMS recommending further investigation in the form of an Aboriginal Cultural Heritage Assessment (ACHA) which incorporates further archaeological testing. If the

additional investigation results in the identification of Aboriginal objects on the property, an Aboriginal Heritage Impact Permit (AHIP) would need to be obtained from the Office of Environment and Heritage. Requirements to liaise with the Office of Environment and Heritage are incorporated within the Recommendation section of this report.

Conservation Incentives

Clause 35(9) provides the consent authority the opportunity to grant consent to development for any purpose of a building that is a heritage item, or of the land on which such a building is erected, even though development for that purpose would otherwise not be allowed by this Plan.

The application utilises these conservation incentives, in part, to vary the height controls of LEP 2007. It is considered that the conservation incentives may be utilised and supported in the circumstances of this case. This has been discussed in detail earlier within the report.

Historic view corridors

Clause 35A requires the consent authority to consider the impacts of a development on land identified in the City Centre Development Control Plan as being within a historic view corridor. The subject site is not affected by any historic view corridors.

DEVELOPMENT CONTROL PLANS

Parramatta City Centre Plan Development Control Plan

The application was lodged whilst the Parramatta City Centre DCP2007 was in effect. The relevant sections of Parramatta City Centre DCP 2007 as they relate to the proposed development are addressed as follows:

Building Form

Street Alignment & Street Frontage Type

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

No street frontages comply with the street alignment or street frontage type requirements. The proposed development proposes to maintain the heritage cottages along Wigram Street and Hassall Street, and therefore has been setback behind the heritage items. The proposed development therefore cannot comply with these requirements.

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

Building Separation

This issue has been discussed elsewhere within the report.

Mixed Use Developments

The proposal satisfies the requirements of DCP2007 as the new ground floor retail areas provides a floor to ceiling height of 3.8m to enable flexible land uses on the ground floor. The proposal also provides for security access controls to the building, safe pedestrian routes and does not incorporate any blank building walls at ground level.

Deep Soil

The DCP requires 15% of the site to be deep soil zone, being approximately 413m². The proposal provides for 299m² (or 11%) of deep soil primarily within the perimeter and planting on structures. This does not comply with Council's requirements. The deep soil provision represents a minor departure from the requirements, and is partly due to the retention of the existing cottages within the front setbacks of the proposed development. The extent of landscaping proposed is considered to provide suitable amenity for residents and visitors.

Landscape Design & Planting on Structures

The extent of landscaping proposed is considered to provide suitable amenity for residents and visitors and generally satisfies the requirements of the DCP.

Pedestrian Amenity

Permeability

The DCP indicates that a pedestrian link is required to be provided over this site. The southern side of the subject site, adjoining the canal is identified as being a desired new pedestrian link. This would provide access from Wigram Street to Harris Street. The development has been designed to enable a future pedestrian link along this southern boundary. Notwithstanding this, Parramatta DCP 2011 (Amendment 4) has removed this desired pedestrian link, so it is no longer required.

Active Street Frontages and Address

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

Front Fences

New picket style fencing is proposed to the front courtyards of the retained cottages along Wigram Street and Hassall Street. This fencing is simple in design and preserves the heritage significance of the cottages on the site.

Safety and Security

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

Awnings

The DCP does not require an awning for development on the subject site.

Building Exteriors

The building contributes positively to the streetscape by providing quality and robust materials and finishes. The building also provides a richness in detail with differing design elements and use of articulation to complement the existing and future streetscape.

Advertising and Signage

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

Access, Parking & Servicing

Pedestrian Access and Mobility

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

Vehicular Driveways and Manoeuvring Areas

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

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

On-site Parking

As noted above, the proposal provides sufficient carparking, notwithstanding that it falls short of the maximum number of spaces permitted. Given that the site is located in good proximity to public transport, no objection is raised to the provision of parking.

Site Facilities and Services

A recycle bin room and a garbage room are located adjacent to the loading area on the ground floor. Appropriate access is provided to both recycling and garbage rooms. Mailboxes have been located within the front setback on Hassall Street.

Environmental Management

- The proposed materials used within the design will not cause excessive reflectivity.
- The proposal incorporates adequate natural lighting for thermal comfort.
- The proposal displays acceptable initiatives in terms of energy efficiency and water management. The development will need to comply with the commitments of the approved Basix Certificate.
- A satisfactory waste management plan prepared by a specialist waste consultant was submitted with the application.
- An adequate erosion and sediment control plan was submitted with the application.

- Wind will be controlled through the use of appropriate screening and deflection devices. The application is supported by a wind report to ensure the development achieves the objectives of the development controls. It is noted that the report recommends 2 options for the treatment of wind conditions on the Level 6 communal terrace. These options include (1) a 2m high screen along the western side of the terrace; or (2) extension of the planter bed with additional trees on the western side of the terrace. Concern is raised with the proposed 2m high screen and the retention of the integrity of the architectural design, and therefore the preferred option is to extend the planter bed on the terrace. The applicant agrees with this option, and it is incorporated within the Recommendation section of this report.
- The application provides for adequate stormwater management and will not impact upon the flood liability of any nearby properties.

Although Wigram Street and Hassall Street are not identified as main roads, the applicant has submitted an acoustic report outlining the potential impacts of traffic noise upon the development, and the impacts upon neighbouring properties. The report has found that the proposed development is acceptable providing minor modifications to the design are carried out. These modifications mainly involve suitable glazing treatment and sealing to windows of the building. Consent conditions requiring compliance with the recommendations of the acoustic report have been incorporated within the Recommendation section of this report.

Residential Development Controls

Housing Choice, Affordability & Mix

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

Apartment Size	DCP 2007	Proposed	Compliance
Studio & 1 bedroom	min 10% max 25%	38 units or 24.4%	Yes
2 bedroom	max 75%	113 units or 72.4%	Yes
3 bedroom	min 10%	5 units or 3.2%	No

The applicant has submitted a written justification and market opinion regarding the proposed unit mix which reads inter alia:

It has been shown within the recent developments that affordable studio and one bedroom apartments with close proximity to transport and CBD employment has been highly sought after and will meet the intention of local and state government to maximise public transport use, minimize traffic congestion and provide affordable housing.

In my opinion, there is an appropriate mix of two bedroom units within the development in my opinion. There is a total of 113 units which vary from 70 - 92sqm floor area. This allows for flexibility for young families who seek affordability whilst allowing some regard for extra living space. In addition the proponents have included 15 adaptable units to further increase the flexibility of use and adaptability within the project.

The request by Council to increase the number of three bedroom apartments is an inappropriate use of the subject building and similar buildings within the Parramatta CBD. Three bedroom apartments are usually the least marketable in large buildings as families tend to purchase townhouses and freestanding accommodation in preference to high rise unit developments. The proponents have incorporated adaptable units as well as two bedroom plus media rooms units to provide such flexibility and variety if sought by the clientele and council.

It is my professional opinion as an experienced marketer of new properties as well as a registered valuer that the proponents have maximized the highest and best mix of units and have carefully ensured sufficient clarity in size, types and adaptability of units to ensure this is a flexible choice of housing for unit buyers as well as a commercially viable landmark building within Parramatta.

The minor non-compliance is considered acceptable as the shortfall in 3 bedroom units is unlikely to have significant impacts upon housing choice within the City Centre.

Sixteen (16) adaptable units have been provided as part of the development, representing 10% of the entire residential component, which complies with the requirements of DCP2007. Adequate parking facilities and access for people with disabilities have also been provided.

Noise, Vibration & Electrolysis

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

Special Areas

The subject site is located within the City East Special Area.

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

The proposed development complies with the objectives of the City East Special Area as it assists in establishing a mixed-use precinct with a positive built address to the public domain; promotes a public domain that encourages increased activity in the evenings and at weekends and is of high quality architecture.

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

Parramatta Development Control Plan 2011

The Parramatta City Centre DCP 2007 was amalgamated into the Parramatta DCP 2011 on 2 April 2014 (Amendment 4).

Whilst the Amended DCP is not a matter for consideration for the purposes of the proposed development, the proposed development generally complies with the requirements contained within Part 4 of DCP 2011. The majority of the controls remain similar to that of the current City Centre DCP 2007.

POLICIES

PUBLIC DOMAIN GUIDELINES

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

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

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

An Alignment Plan was submitted for Council's consideration. This plan indicates acceptable footpath levels and gradients for the proposed development. Council's Civil Assets Team and Urban Design Team have reviewed and approved the Alignment Plan subject to minor changes.

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

ARTS PLAN

An arts plan was submitted with the application. This plan identifies the following opportunities for artwork:

(a) Sculptural Entry

The threshold to the building which passes beside the houses allows for a sculptural marker. This artwork enhances the building's projection to the public realm and makes a contemporary projection into the urban landscape. In this prominent location, a contemporary artwork contrasts powerfully with the footprint of the houses. The sculpture identifies the building's entrance. By responding to the building's form and geometry the artwork defines the new by contrasting with the old. The patterns on the sculptural skin can make reference to the heritage elements of Parramatta.



Montage of proposed sculptural entry

(b) Pergola

The artwork is comprised of photographic panels which frame the pergola ceiling. These panels explore the concept of hiatus where the images can be a linear narrative through time by choosing the fine grain of Parramatta's identity such as the domestic interiors, architectural flourishes and patterns and placing them alongside natural surfaces.



Sketch exploring the use and fragments of photographic imagery on the pergola

The arts plan was referred to Council's Arts Officer who raises no objection to the proposed Arts Plan subject to the imposition of appropriate conditions.

PARRAMATTA CITY CENTRE – LANES STRATEGY

The Parramatta City Centre Lanes Strategy applies to the proposed development. The southern side of the subject site, adjoining the canal is identified as being a desired new pedestrian link. This would provide access from Wigram Street to Harris Street. The development has been designed to enable a future pedestrian link along this southern boundary.

Notwithstanding this, Parramatta DCP 2011 (Amendment 4) has removed this desired pedestrian link, so it is no longer required.

S94A DEVELOPMENT CONTRIBUTIONS PLAN – PARRAMATTA CITY CENTRE

The proposal requires the payment of S94A development contributions (3% levy) based upon the estimated cost of works. A condition requiring the payment of \$936,000.00 has been incorporated within the Recommendation section of this report.

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

In accordance with Council's 2012/2013 Schedule of Fees and Charges, the developer will be required to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. As the development has a value of works in excess of \$500,000, the applicant will be required to pay a Security Bond of **\$20,000** prior to the release of a Construction Certificate.

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

PLANNING AGREEMENTS

The proposed development is 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

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

Additional matters a consent authority must take into consideration

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

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

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

Compliance with Building Code of Australia

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

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

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

Condition relating to shoring and adequacy of adjoining property

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

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

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

COASTAL ZONE MANAGEMENT PLAN

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

LIKELY IMPACTS

Urban Design

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

Heritage Impacts

The subject site contains heritage listed cottages. The heritage impacts of the proposed development have been discussed within this report.

Landscaping, Tree Removal, Flora and Fauna

Three (3) trees ranging in height between 6m and 10m will be removed for this development application. One (1) tree will be retained at the front of the site. The landscape plan submitted has been completed in accordance with Council requirements and has addressed the issues of screening and tree replenishment using a mixture of native plant species.

Access, Traffic & Parking

These matters have been discussed in detail within this report.

Disabled Access

The application provides for access and parking provision for people with disabilities. Sixteen (16) adaptable units have been provided as part of the development, representing 10% of the entire residential component. Details of compliance with AS1428 will need to be demonstrated prior to the issue of a Construction Certificate.

Utilities/Infrastructure

The proposed use may impact upon some existing utilities and public infrastructure. An electricity substation may need to be located on site, and the applicant has provided an indicative location on the ground floor. Conditions will be imposed requiring the developer to consult with utility providers as to the requirements for this development.

Building Code of Australia

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

Impacts during Construction

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

Security by Design

The proposal does not contribute to the provision of any increased opportunity for criminal or anti-social behaviour to occur. The commercial/retail components along Wigram Street and Hassall Street and location of habitable windows facing the street on assists in activating the street and providing natural surveillance.

Soil Management

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

Social & Economic Impact

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

ESD & The Cumulative Impact:

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

SUITABILITY OF THE SITE

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

SUBMISSIONS & PUBLIC INTEREST

Four (4) submissions were received in response to the notification of the application. The issues raised within the submissions have been addressed within this report and do not warrant the refusal of the application.

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

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

Conclusion

After consideration of the development against Section 79C of the Environmental Planning and Assessment Act 1979, and the relevant statutory and policy provisions, the proposal is suitable for the site and is in the public interest. Therefore, it is recommended that the application be approved subject to the imposition of appropriate conditions.

Recommendation**APPROVAL SUBJECT TO CONDITIONS**

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

That the Sydney West Joint Regional Planning Panel as the consent authority is of the opinion that the variation under Clause 24 of *Parramatta Local Environmental Plan 2007* to Clause 21 (Height) and Clause 22D (Building Separation) of the Parramatta Local Environmental Plan 2007 are supportable. That the Sydney West Joint Regional Planning Panel is also of the opinion that strict compliance with these development standards is unreasonable and unnecessary in the circumstances of this case as the proposal satisfies the objectives of the development standards and will not compromise the amenity of the locality.

AND

That the Sydney West Joint Regional Planning Panel, as the consent authority, being satisfied that the variations under Clause 24 of *Parramatta Local Environmental Plan 2007* are supportable and that granting consent to Development Application DA/241/2013 is consistent with the aims of the LEP, grant consent to Development Application No. DA/241/2013 for demolition, tree removal, construction of a 22 storey mixed use development containing 156 apartments and 7 commercial units over basement car parking, and the retention of the existing heritage items on site for use as commercial premises on land at 113-117A Wigram Street, Harris Park & 23-29 Hassall Street, Parramatta as shown on approved plans, for a period of five (5) years from the date on the Notice of Determination subject to the following conditions:

General Matters:

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

Drawing N ^o	Dated
Cover Sheet Job No. 2026 - Drawing No. DA00 – Issue A	02/04/2013
Basement Level 04 Plan Job No. 2026 - Drawing No. DA02 – Issue A	02/04/2013
Basement Level 03 Plan Job No. 2026 - Drawing No. DA03 – Issue A	02/04/2013
Basement Level 02 Plan Job No. 2026 - Drawing No. DA04 – Issue A	02/04/2013
Basement Level 01 Plan Job No. 2026 - Drawing No. DA05 – Issue C	27/09/2013
Ground Floor Level Job No. 2026 - Drawing No. DA06 – Issue C	27/09/2013
Level 1 Job No. 2026 - Drawing No. DA07 – Issue A	02/04/2013
Level 2 Job No. 2026 - Drawing No. DA08 – Issue A	02/04/2013
Typical Levels 3 + 5 Job No. 2026 - Drawing No. DA09 – Issue A	02/04/2013
Level 4 Job No. 2026 - Drawing No. DA10 – Issue A	02/04/2013
Level 6 Job No. 2026 - Drawing No. DA11 – Issue A	02/04/2013
Typical Levels 7 to 13 Job No. 2026 - Drawing No. DA12 – Issue A	02/04/2013
Typical Levels 14 to 18 Job No. 2026 - Drawing No. DA13 – Issue A	02/04/2013
Typical Levels 19 to 21 Job No. 2026 - Drawing No. DA14 – Issue A	02/04/2013
Roof Level 22	02/04/2013

Drawing N^o	Dated
Job No. 2026 - Drawing No. DA15 – Issue A	
Roof Plan Job No. 2026 - Drawing No. DA16 – Issue A	02/04/2013
North Elevation Job No. 2026 - Drawing No. DA17 – Issue A	02/04/2013
West Elevation Job No. 2026 - Drawing No. DA18 – Issue A	02/04/2013
South Elevation Job No. 2026 - Drawing No. DA19 – Issue A	02/04/2013
East Elevation Job No. 2026 - Drawing No. DA20 – Issue A	02/04/2013
Section a-a Job No. 2026 - Drawing No. DA21 – Issue A	02/04/2013
Section b-b Job No. 2026 - Drawing No. DA22 – Issue A	02/04/2013
Site Details Job No. 2026 - Drawing No. DA23 – Issue A	02/04/2013
South Elevation Job No. 2026 - Drawing No. DA19 – Issue A	02/04/2013
Typical Unit & Post Adaptable Layouts Job No. 2026 - Drawing No. DA25 & DA26 – Issue A	02/04/2013
Schedule of Finishes Option 1	Undated
Landscaping Drawings Project No. 3348a Drawing Nos. L-01/3 & L-02/03 & L-03/3 (Revision A) prepared by RFA Landscape Architects	18/04/2013
Engineering Plans Job No. 130098 – D01 – Rev A Job No. 130098 – D02 – Rev A Job No. 130098 – D03 – Rev A Job No. 130098 – D04 – Rev A Job No. 130098 – D05 – Rev A Job No. 130098 – D06 – Rev E Job No. 130098 – D07 – Rev C Job No. 130098 – D08 – Rev A Job No. 130098 – D09 – Rev A prepared by Australian Consulting Engineers	27/03/2013 27/03/2013 27/03/2013 27/03/2013 27/03/2013 24/05/2013 25/05/2013 27/03/2013 27/03/2013

Document N^o	Dated
Arborist Report – reference 8118 prepared by Redgum Horticultural	19 March 2013
Basix Certificate No. 474149M_03	12 April 2013
Pedestrian Wind Environment Statement Report Document No. WB586-01F03 (REV1) prepared by	1 August 2013

Document N ^o	Dated
Windtech.	
Conservation Management Plan prepared by Colin Israel (Heritage Advice) Schedule of Works forming addendums to the Conservation Management Plan	April 2013 30 September 2013
Acoustic Impact Assessment Report Document No. 20C-13-00330TRP-268103-1 – Revision 01 prepared by Vipac	2 April 2013
Acid Sulfate Soils Management Plan prepared by Geotechnique Pty Ltd	12 August 2013

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

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

2. The development shall be constructed within the confines of the property boundary. No portion of the proposed structure, including gates and doors during opening and closing operations, shall encroach upon Council's footpath area.

Reason: To ensure no injury is caused to persons.

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

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

4. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.

Reason: To ensure compliance with legislative requirements.

5. All building work must be carried out in accordance with the current provisions of the Building Code of Australia.

Reason: To comply with the Environmental Planning & Assessment Act 1979, as amended and the Environmental Planning & Assessment Regulation 2000.

6. 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 WorkCover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent 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
- q) 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.

Reason: To ensure appropriate demolition practices occur.

7. Service ducts shall be provided within the building to keep external walls free of plumbing or any other utility installations. Such service ducts are to be concealed from view from the street.

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

8. Security doors to the apartment lift lobbies shall be provided. Doors should be provided close to the building line to avoid deep recessed spaces and discourage anti social behaviour.

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

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

Reason: To ensure satisfactory stormwater disposal.

10. 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.

Prior to the release of a Construction Certificate:

11. Revised plans indicating compliance with the following traffic related matters are to be submitted to the satisfaction of the PCA before the issue of the Construction Certificate:
- a) 155 off-street parking spaces (including 16 disabled/adaptable parking spaces; 5 commercial parking spaces; 133 residential parking spaces and 1 carwash bay) plus 3 parallel 'short term parking bays' on opposite the ground floor near the fire control room, sprinkler room and plant room are to be provided, permanently marked on the pavement and used accordingly, as shown on the submitted DA plans. The dimensions for parking spaces and aisle width to be in accordance with AS 2890.1-2004 (minimum of 2.4m wide x 5.4m long clear of columns plus 300mm clearance adjacent walls and 5.8m aisle width minimum. At blind aisle, the aisle is to be extended by 1.0m (minimum) beyond the last parking space).
 - b) 6 bicycle spaces/racks are to be provided on-site and used accordingly as shown on the submitted DA plans.
 - c) The dimensions and configuration of the disabled parking spaces are to comply with AS 2890.6-2009 (a dedicated space plus a shared space - 2.4m wide x 5.4m long each with a bollard installed on the shared space).
 - d) A combined entry and exit driveway (5.8m wide between kerbs combined entry and exit driveway and 5.5m ramp access to the 4 basement levels off the eastern end of Hassall Street) is to be provided and constructed according to AS 2890.1- 2004 and Council's specification.
 - e) Driveway and ramp gradients are to comply with Clause 2.5, Clause 2.6 and Clause 3.3 of AS2890.1-2004.
 - f) The driveway width (w) at the concrete layback is to comply with Council's Standard Vehicular Crossing plan (DS8).
 - g) Column locations are to be installed in accordance with Clause 5 and Figures 5.1 and 5.2 of AS 2890.1-2004.
 - h) Traffic facilities to be installed, such as; wheel stops, bollards, kerbs, signposting, pavement markings, lighting and speed humps, shall comply with AS2890.1-2004.
 - i) Ground Clearance Template as shown in Appendix C of AS 2890.1-2004 must be used to check that adequate ground clearance is provided on ramps, circulation roadways, access driveways or other vehicular paths where there is a grade change or an irregularity in the vertical alignment e.g. a hump, dip or gutter.
 - j) Sight distance to pedestrians exiting the property is to be provided by clear lines of sight in a splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1. The required sight lines to pedestrians or other vehicles in or around the site should not be

compromised by the landscaping, signage fences, walls or display materials.

- k) The minimum available headroom clearance to be signposted at all entrances is to be 2.2m (for cars and light vans including all travel paths to and from parking spaces) and 2.5m (for parking spaces for people with disabilities) measured to the lowest projection of the roof (fire sprinkler, lighting, sign, and ventilation), according to AS 2890.1-2004 and 2890.6-2009.
- l) A convex mirror is to be installed within the ramp access in each of the basement levels (B1 to B4) (one near the entry driveway to the basement level and one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.
- m) A fully mountable rolled-top kerb is to be provided around the perimeter of the proposed garbage/loading bay to assist truck manoeuvring into and out of the loading bay.

Reason: To ensure appropriate vehicular access and parking is provided.

- 11A. Plans submitted with the Construction Certificate shall clearly indicate that all residential floors are provided with a minimum internal floor to ceiling height of 2.7m (excluding the thickness of the floor and ceiling slabs). This condition does not authorise the height of the building to be increased.

Reason: To ensure appropriate opportunities for access to natural light and ventilation are provided.

- 11B. (a) In order to ensure the design quality excellence of the development is retained:

- i. The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
- ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
- iii. Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate

- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.

Reason: To ensure the design quality excellence of the development is retained.

- 11C. The finishes and materials of the building as approved in Condition 1 of this consent are to be incorporated within the Construction Certificate Plans.

Reason: To ensure the quality of the design finishes is maintained.

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

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

13. 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.

14. 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.

15. A monetary contribution comprising **\$936,000.00** is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta City Centre Civic Improvement Plan*. Payment must be by cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

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

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

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

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

- a) Have no expiry date;
- b) Be forwarded direct from the issuing bank with a cover letter that refers to Development Consent DA/670/2013;
- 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 shall be provided as follows:

Nature strip and roadway \$20,000

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 to the Civil Assets Unit. The dilapidation report is required to report on any existing damage to kerbs, footpaths, roads, nature strip, street trees and furniture bounded by all street frontage/s of the development site to the centre of the road.

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

17. The Construction Certificate is not to be released unless the Principle Certifying Authority is satisfied that the required levy payable, under Section 34 of the Building and Construction Industry Long Service Payments Act 1986, has been paid.

Reason: To ensure that the levy is paid.

18. Documentary evidence confirming that satisfactory arrangements have been made with an energy provider for the provision of electricity supply to the development is to be provided to the Principal Certifying Authority prior to the issuing of any Construction Certificate. If a substation is a requirement of the energy provider, it is to be located internal to the building/s on site. Substations cannot be located within the front setback of a site or within the street elevation of the building, unless such a location has been indicated and approved on the Council stamped Development Application plans. Substations cannot be located in Council's road reserve.

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

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

- (a) In the case of work to be done by a licensee under the Home Building Act 1989; has been informed in writing of the licensee's name and contractor licence number; and is satisfied that the licensee has complied with the requirements of Part 6 of the Home Building Act 1989, or
- (b) In the case of work to be done by any other person; has been informed in writing of the person's name and owner-builder permit number; or has been given a declaration, signed by the owner of the land, that

states that the reasonable market cost of the labour and materials involved in the work is less than the amount prescribed for the purposes of the definition of owner-builder work in Section 29 of the Home Building Act 1989, and is given appropriate information and declarations under paragraphs (a) and (b) whenever arrangements for the doing of the work are changed in such a manner as to render out of date any information or declaration previously given under either of those paragraphs.

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

Reason: To comply with the Home Building Act 1989.

20. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2011 including:

- a) The size being large enough to accommodate all waste generated on the premises, with allowances for the 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, 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.

Details are to be provided to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.

Reason: To ensure the appropriate storage of waste.

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

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

22. Separate waste 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 that 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. Details are to be provided to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.

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

23. Prior to finalising the Construction Drawings for submission, a Geotechnical Report shall be prepared specifically for the development site, by a suitably qualified Geotechnical Engineer. The structural and foundation designs and the excavation methods proposed for the development shall be assessed in accordance with the recommendations made in the Geotechnical Report. In this regard, a Structural Certification from a suitably qualified structural engineer shall be submitted with the application for Construction Certificate, addressing that the final design drawings are prepared in accordance with the recommendations of the Geotechnical Report. A copy of the Geotechnical Report shall be submitted for approval by the Certifying Authority. The Geotechnical / Civil engineering report should address (but is not limited to) the following:
- i. The type and extent of substrata formations by the provision of a minimum of 4 representative bore hole logs which are to provide a full description of all material from ground surface to 1.0m below the finished basement floor level and include the location and description of any anomalies encountered in the profile. The surface and depth of the bore hole logs shall be related to Australian Height Datum.
 - ii. 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.
 - iii. 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).
 - iv. The existing groundwater levels in relation to the basement structure, where influenced.
 - v. 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.
 - vi. 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 / Hydro Geological engineer with previous experience in such investigations and reporting. It is the responsibility of the engaged geotechnical specialist to undertake the appropriate investigations, reporting and specialist recommendations to ensure a reasonable level of protection to adjacent property and structures both during and after construction. The report shall contain site specific geotechnical recommendations and shall specify the necessary hold/inspection points by relevant professionals as appropriate. The design principles for the geotechnical report are as follows:

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

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

24. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing No. DS9 & DS10. Any existing disused crossings shall be removed and constructed with kerb and gutter. Details must accompany an application for a Construction Certificate to the satisfaction of Certifying Authority. A vehicular crossing application must be submitted to Council together with the appropriate fee as outlined in Council's adopted Fees and Charges, prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

25. All works associated with the construction and/or extension of a driveway crossover/layback within Council owned land requires an application to be lodged and approved by Council.

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8

(Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

The application for a driveway crossing requires the completion of the relevant application form and accompanied by plans, grades/levels and specifications. A fee in accordance with Councils adopted 'Fees and Charges' will need to be paid at the time of lodgement.

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

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

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

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

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

27. The following requirements (from points i to iv) shall be complied with and Certifying Authority shall ensure that prior to the issue of Construction Certificate, following conditions are fully complied and incorporated within all final design drawings prior to being issued for construction;
- i. The minimum habitable floor level for the development shall be 8.70mAHd.
 - ii. The minimum basement car park entry ramp Crest level shall be at RL7.90, Drawing No. 2026, DA 06 Issue: C.
 - iii. The proposed building and any structures will need to be designed to withstand the forces of floodwater & debris and buoyancy forces up to level of 9.44mAHd. The structures will need to be designed & certified by an experienced practicing Structural Engineer.
 - iv. All structural building components shall have flood compatible building components up to level of 9.44mAHd and a certification shall be required outlining that all six lots building components used for constructions are designed with flood compatible materials.
28. In order to make satisfactory arrangements for the operation of basement stormwater pump-out system, the system shall be designed and constructed to ensure the following are provided:

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

Plans and design calculations along with certification from the Hydraulic 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.

- 29. The underground basement pump holding structure shall be designed and certified by a Certified Practicing Structural Engineer, taking into account of the any structural loads from the above and surrounding areas/structures, which exert load on the tank structures. The principal certifying authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate.

Upon completion of construction, the work shall be certified by a Certified Practicing Engineer to the satisfaction of the Certifying Authority. The principal certifying authority shall ensure that the construction works are duly certified by a practicing certified Engineer upon completion of the works.

Reason: To ensure that the structural stability of the underground holding tank structure.

- 30. The provision of a flowpath shall be designed and submitted to Council for approval, which will be located along the eastern boundary of the site in terms of the side boundary area 'open' to allow for flood water flows to pass through it without obstruction. In this regard, the proposed works and measures to provide the flowpath along the eastern boundary shall be submitted to and approved by Council prior to the issue of the Construction Certificate.

Reason: To ensure that eastern site boundary floodwater flowpath is well established within the proposed development without having increased flood levels affectation along adjoining properties.

- 31. A detailed Site Emergency Response Flood Plan prepared & submitted for Council approval, in particular reference to this development incorporating the following:

- a) Site based Flood Warning Systems (not limited to adequate sensible warning systems, signage, exits, evacuation routes, flood preparedness plan for 'flash flood' regime etc) to be established for the residents and occupiers of the dwellings in order for being fully informed and aware of the flood information and being prepared for any impending flood event.
- b) Effective evacuation frameworks, procedures and final plan shall be prepared as per Council Floodplain Matrix 'Evacuation' Controls which essentially do not support any reliance on SES & other government agencies aid during the site flood emergency situation and the responsible person for each of the buildings for implementation of the evacuation plan.
- c) If "shelter in place" is proposed then Specific vertical evacuation flood refuges Paths and Floor Space Locations as per Persons at Risk (PAR) at or above PMF level will be required in the building closer to the 3rd or 4th floor vicinity due to not having entire reliance on lift operation during higher flooding event scenario.

Reason: To ensure an effective site flood emergency response management plan in place.

32. It is essential for the development that an additional measure in terms of a flood proof gate shall be installed at the basement ramp entrance crest levels. The purpose of this flood proof gate shall be to address impact measures from flooding events reaching towards PMF event flood inundation which will potentially fill basement car park with flood water. In addition, detail design of flood proof gate and maintenance plan shall be submitted to the satisfaction and subsequent approval by i) Certifying Authority and ii) Council, prior to the issue of the Construction Certificate and the final approved copy of Flood Proof Gate Detailed Design & Maintenance Plan shall be submitted to Council for compliance and record purposes.

Reason: To ensure satisfactory measures in place for the basement car park from being filled with floodwater during storm events leading to Probable Maximum Event (PMF) event inundation.

33. Due to the close proximity of the existing Clay Cliff Creek and the flood affected surrounding areas, the perimeter walls of the basement shall be constructed using "Tank Construction" method, to prevent any flood waters seeping through the basement walls. In terms of the potential ground water inflows within the basement areas, and to manage any on going seepages, adequate provision shall be made for dewatering the basement floors. However, any such provision shall be based on the Geotechnical and Hydrological Assessment Report and the associated recommendations. Appropriate drainage points shall be constructed along the perimeter cut-off walls to direct seepages into a collection point for pumping out. Details of the dewatering system shall be included with the final drainage plans submitted to the Principal Certifying Authority, with the Construction Certificate application.

Reason: To ensure the basement is protected from any flood water seepages and adequate dewatering system is in place to manage any ongoing ground water seepages at the basement floors.

34. Prior to the issue of a Construction Certificate, longitudinal driveways sections and ramp access from to and from the Basement levels are to be prepared as per AS 2890.1 (2004) by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scales along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level and also similar sections for Ramp Access from Basement to Basement levels. The Civil/Traffic Engineer shall provide specific written certification to the Certifying Authority on the prepared longitudinal driveways sectional plans that the following five requirements are entirely complied with:
- a. Vehicular access can be obtained using grades of 20% (1 in 5) maximum and
 - b. All ramp circulation and grades, including changes in grade (transitions) are to be complied with Clause 2.5 and 3.3 of Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent bottoming or scraping of the underside of vehicles.
 - c. The grade of the driveway is NOT more than **5%** at the nature strip from the kerb & gutter up to the property line and that driveway surface matches the level of the outer edge of the existing footpath level crossing (intersection).
 - d. The grade of the driveway is NOT more than max **5%** for at least the first **6m** from the property line into the car park. Grade Transitions with transition length of at least 2m are provided where the grade change is **12.5%** or more for the Summit grade change and **15%** or more for the Sag grade change.
 - e. The access driveway for at least first **6m** from the property boundary to the car park shall have a minimum width of **5.5m** in accordance with AS 2890.1-2004.
- Note:** The driveway should slope upward from kerb & gutter to the front property line with surface level at the property line at the highest level, at least **150mm** above the top water level of the stormwater flowing down the along the adjacent kerb & gutter, before it slopes down towards the car park, to avoid the street runoff spilling into the property through the driveway.
- Reason:** To provide suitable vehicle access without disruption to pedestrian and vehicular traffic.
35. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standards 2890.1 – 2004 “Off street car parking”. Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.
- Reason:** To ensure that parking spaces are in accordance with the approved development.
36. The driveway / access way within the property shall be designed and constructed to match the surface levels with that of existing concrete footpath

at the property boundary and that joints are smooth, and no part of the concrete protrudes out.

Reason: To provide suitable vehicle access and smooth junction.

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

- i. The final stormwater plans are, in general, consistent stormwater plans Drawings (130098, DA 06, Rev E, 130098, DA 07, Rev C). All drawings were prepared by Australian Consulting Engineers.

Note 1: The Stormwater Filter as proposed inside the OSD Tank is not acceptable by Council due to the unsatisfactory joint hydraulic performance between Filter Chamber and the OSD Tank discharge. The Filter Chamber shall be located Upstream of the OSD and Rainwater Tank and in this connection, following detailed design shall be required to be submitted to Council for Approval:

- a) The Filter Units will be designed to treat 3 month ARI flow of 10 minutes duration and flow greater that will need be bypassed to OSD tank/rainwater tank.
- b) Sizing of the Filtration Unit in terms of Number of Filter Units and Volume of Filter Chamber in order to prevent any overflow out of the Chamber.

Note 2: The Council approved Stormwater Plans are **for DA approval in concept only** and shall not be used for construction purposes as the construction plan (drawing).

- ii. The proposed On-Site Detention (OSD) System has been designed and certified by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook".
- iii. The design achieves, when using the Flood detention method (3rd edition of Upper Parramatta River Catchment Trust's (UPRCT's), handbook), as shown on the approved stormwater plan.
- iv. Detailed Stormwater plans with cross sectional details of OSD storage areas; pits etc., OSD Detailed Design Submission (**Form B9**) and OSD Detailed Calculation Summary Sheets are submitted and are acceptable.
- v. A calculation table showing the available storage volume with the pyramid volume and prismatic volume calculation method has been provided.
- vi. Changes and/or alterations to the approved design are not permitted. Any changes, other than that are of minor nature (such as minor relocation of pits and pipes), or the changes that affect the landscaping require prior approval from the council.
- vii. All Grates proposed for the OSD Tanks shall be 900mmX900mm and other sized will not be accepted by Council. Adequate access is provided to the storage basin for cleaning.
- viii. At least 20% of the OSD tanks' surface area would be required to be grated at a maximum of 4m spacing generally in order for the Tanks can be readily inspected from the surface for silt and debris and the tanks

are well ventilated and will not cause the accumulation of noxious odours.

- ix. OSD tank, Rainwater tank and Filter Chamber shall have clear headroom of 2.2m available for the basement car park underneath those tanks.

It is the responsibility of the Certifying Authority and/or the person issuing the Construction Certificate to ensure that the detailed plans all in accordance with the Council approved stormwater plan.

Upon completion of the construction of stormwater system the Certifying Authority shall ensure that upon completion of the construction works, the stormwater system have been inspected and certified by a Qualified Practicing Engineer to the satisfaction of the principal certifying authority. A copy of the certificate shall be forwarded to council for its record.

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

- 38. The OSD tank, rainwater tanks and filtration chamber structures shall be designed and certified by a Certified Practicing Structural Engineer, taking into account of the structural loads from the above, vehicular loading from the basement ramp and surrounding areas/structures, which exert load on the tank structures. The principal certifying authority shall ensure that the designer has taken account of all loads influencing the tank structures, duly certified and provided the structural design certificate.

Upon completion of construction, the work shall be certified by a Certified Practicing Engineer to the satisfaction of the Certifying Authority. The Certifying Authority shall ensure that the construction works are duly certified by a practicing certified Engineer upon completion of the works.

Reason: To ensure that the structural stability of the underground tank structure.

- 39. 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.
- 40. The arrangements and costs associated with any adjustment to a public utility service shall be borne by the applicant/developer. Any adjustment, deletion and/or creation of public utility easements associated with the approved works are the responsibility of the applicant/developer. The submission of documentary evidence to the Principal Certifying Authority which confirms that

satisfactory arrangements have been put in place regarding any adjustment to such services is required, prior to the release of the Construction Certificate.

Reason: To minimise costs to Council.

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

(a) Construction Management Plan for the Site

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

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

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

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

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

Where applicable, the plan must address the following:

- Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- 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.

- 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.

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

Reason: To protect public safety.

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

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

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

The Construction Noise Management Plan must include:

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

Reason: To prevent loss of amenity to the area

45. The reflectivity index (expressed as a percentum of the reflected light falling upon any surface) of external glazing for windows, walls or roof finishes of the proposed development is to be no greater than 20%. Written confirmation of the reflectivity index of materials is to be submitted to the Principal Certifying Authority with the construction certificate.

Note: The reflectivity index of glazing elements can be obtained from glazing manufacturers. Glass with mirrored or reflective foil finishes is unlikely to achieve compliance with this requirement).

Reason: To ensure that excessive glare or reflectivity nuisance from glazing does not occur as a result of the development.

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

The engineer shall:

- (a) provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
 - (i) all relevant statutory requirements,
 - (ii) all relevant conditions of development consent
 - (iii) construction requirements detailed in the above Specification, and
 - (iv) the requirements of all legislation relating to environmental protection,
- (b) On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
- (c) Certify that the Works as Executed plans are true and correct record of what has been built.

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

Reason: To protect Council's infrastructure.

48. The applicant is required to submit all additional documentation to Council for approval; that details the design development process through final design concepts, budget, engineering specifications, materials, site plan for artworks, construction documentation and project management prior to issue of the construction certificate.

Reason: To ensure an appropriate Arts Plan is submitted.

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

Notes:

- (a) Drawing C01 of the Alignments Plan is to be amended. The reference to Council's Standard Drawing number DS9 for the footpath crossing on the Hassall Street frontage, should be replaced with "Council's Standard Drawing DS40 v5 Sheet 3
- (b) The kerb ramp in Wigram Street is to be amended to lead pedestrians directly across the road in Wigram Street.

Reason: To improve the public domain.

50. 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.
51. Prior to the issuing of the Construction Certificate details are to be submitted to the Principle Certifying Authority that the footings and slabs of the development have been designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document - *Western Sydney Salinity Code of Practice 2003*.
Reason: To ensure appropriate safeguards against salinity.
52. Where any form of mechanical ventilation equipment or other noise generating plant is proposed as part of the development, prior to the issue of the Construction Certificate the Certifying Authority, shall be satisfied that the operation on an individual piece of equipment or operation of equipment in combination will not exceed more than 5db (A) above the background level during the day when measured at the site's boundaries and shall not exceed the background level at night (10.00pm – 6.00am) when measured at the boundary of the site.
Note: A certificate from an appropriately qualified acoustic engineer is to be submitted with the Construction certificate, certifying that all mechanical ventilation equipment or other noise generating plant in isolation or in combination with other plant will comply with the above requirements.
Reason: To comply with best practice standards for residential acoustic amenity.
53. A minimum of 16 dwellings are to be constructed in accordance with the requirements of AS 4299 so as to be adaptable and as per the stamped approved plans. These details are to be submitted to the satisfaction of the Principal Certifying Authority prior to the release of the Construction Certificate.
Reason: To promote the design of buildings that are adaptable and flexible in design to suit the changing lifecycle housing needs of residents over time in accordance with Section 4.4.3 of PDPC 2005.
54. Access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building are to be provided. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction

completed to achieve compliance with the Building Code of Australia Part D3 “Access for People with Disabilities”, provisions of the Disability Discrimination Act 1995, and the relevant provisions of AS1428.1 (2001) and AS1428.4.

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

55. Toilet facilities shall be provided for disabled persons in accordance with the design criteria in AS1428.1 (2001) - Design for Access and Mobility - General Requirements for Access - New Building Work. This requirement shall be reflected on the Construction Certificate plans.

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

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

- (a) entrance
- (b) lift or bank of lifts; and
- (c) sanitary facility

This requirement shall be reflected on the Construction Certificate plans and supporting documentation.

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

57. Acoustic measures are to be incorporated within the design in accordance with the recommendations outlined within Section 5 of the Acoustic Impact Assessment Report Document No. 20C-13-00330TRP-268103-1 – Revision 01 prepared by Vipac dated 2 April 2013. These measures are to be reflected within the Construction Certificate.

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

58. Wind reduction measures are to be incorporated within the design in accordance with the recommended **Option 2** as outlined within the Pedestrian Wind Environment Statement Report Document No. WB586-01F03 (REV1) prepared by Windtech dated 1 August 2013. These measures are to be reflected within the Construction Certificate.

Reason: To protect the amenity of the future occupants of the site and the public domain.

59. Prior to the issue of a Construction Certificate, the applicant/developer is to approach the NSW Office of Environment & Heritage to satisfy any archaeological requirements for the site. This may include a further archaeological assessment or a request for an exemption permit.

A copy of the written correspondence from the NSW Office of Environment & Heritage confirming that their requirements have been satisfied shall be provided to Council and the Principal Certifying Authority prior to the issue of the construction certificate.

Note: This refers to the protection of the non-indigenous archaeology of the site.

Reason: To ensure that the requirements of the NSW Office of Environment & Heritage are satisfied.

Prior to Commencement of Works:

60. 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.

61. 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.

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

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

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

63. A sign must be erected in a prominent position on any work site on which work involved in the erection or demolition of a building is being carried out:

- (a) Stating that unauthorised entry to the work site is prohibited;
- (b) Showing the name of the principal contractor (or person in charge of the work site), and a telephone number at which that person may be

- contacted at any time for business purposes and outside working hours; and
- (c) Showing the name, address and telephone number of the Principal Certifying Authority for the work.
- (d) Showing the approved construction hours in accordance with this development consent.
- (e) Any such sign must be maintained while the excavation building work or demolition work is being carried out, but must be removed when the work has been completed.
- (f) This condition does not apply to building works being carried out inside an existing building.

Reason: Statutory requirement.

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

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

Reason: To maintain pedestrian and vehicular safety during construction.

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

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

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

Note: This documentation is for record keeping purposes only, and may be used by an applicant or affected property owner to assist in any action required to resolve any dispute over damage to adjoining properties arising from works. It is in the applicant's

and adjoining owner's interest for it to be as detailed as possible.

Reason: Management of records.

66. Prior to commencement of works and during construction works, the development site and any road verge immediately in front of the site are to be maintained in a safe and tidy manner. In this regards the following is to be undertaken:

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

Reason: To ensure public safety and maintenance of the amenity of the surrounding environment.

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

Reason: To prevent any damage to underground utility services.

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

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

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

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

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

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

During Construction or Works:

70. 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.
71. A survey certificate is to be submitted to the Principal Certifying Authority at footing and/or formwork stage. The certificate shall indicate the location of the building in relation to all boundaries, and shall confirm the floor level prior to any work proceeding on the building.
Reason: To ensure the development is being built as per the approved plans.
72. Dust control measures shall be implemented during all periods of earth works, demolition, excavation and construction in accordance with the requirements of the NSW Department of Environment and Conservation (DEC). Dust nuisance to surrounding properties should be minimised.
Reason: To protect the amenity of the area.
73. 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.
74. All plant and equipment used in the construction of the development, including concrete pumps, wagons, lifts, mobile cranes, etc, shall be situated within the boundaries of the site and so placed that all concrete slurry, water, debris and the like shall be discharged onto the building site, and is to be contained within the site boundaries.
Reason: To ensure public safety and amenity on public land.
75. All work including building and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (eg. loading and unloading of goods, transferring tools etc) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.
Reason: To protect the amenity of the area.
76. The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall record, but not necessarily be limited to:
- (a) The date and time of the complaint;
 - (b) The means by which the complaint was made;

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

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

77. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. The proponent may be required to produce these documents to Council on request during the site works.

Reason: To confirm waste minimisation objectives under Parramatta Development Control Plan 2011 are met.

78. All friable and non-friable asbestos-containing waste material on-site shall be handled and disposed off-site at an EPA licensed waste facility by an EPA licensed contractor in accordance with the requirements of the Protection of the Environment Operations (Waste) Regulation 2005 and the EPA publication 'Waste Classification Guidelines – 2008' and any other regulatory instrument as amended.

Reason: To ensure appropriate disposal of asbestos materials.

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

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

80. Acid sulphate soils are to be managed in accordance with the recommendations outlined within the Acid Sulfate Soils Management Plan prepared by Geotechnique Pty Ltd dated 12 August 2013. Appropriate certification that the recommendations have been implemented is to be submitted to the satisfaction of the Principal Certifying Authority before the issue of the Occupation Certificate.

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

81. No trees on public property (footpaths, roads, reserves, etc.) unless specifically approved in the consent shall be removed or damaged during construction including the erection of any fences, hoardings or other temporary works.

Reason: Protection of existing environmental infrastructure and community assets.

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

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

83. Any damage to Council assets that impact on public safety during construction is to be rectified immediately to the satisfaction of Council at the cost of the developer.

Reason: To protect public safety.

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

- (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.

85. All redundant laybacks and vehicular crossings shall be reinstated to conventional kerb and gutter, foot-paving or grassed verge as appropriate in accordance with Council's Standard Plan DS1. All costs shall be borne by the applicant, and works shall be completed to the satisfaction of Council. Proof of

completion of the work shall be submitted to Council prior to the issue of an Occupation Certificate.

Reason: To provide satisfactory drainage.

86. 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

87. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made:

- (a) Must preserve and protect the building from damage;
- (b) If necessary, must underpin and support the adjoining building in an approved manner; and
- (c) Must, at least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished.

The owner of the adjoining allotment of land is not liable for any part of the cost of work carried out for the purposes of this clause, whether carried out on the allotment of land being excavated or on the adjoining allotment of land.

In this clause, allotment of land includes a public road and any other public place.

Reason: To ensure adjoining owner's property rights are protected and protect adjoining properties from potential damage.

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

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

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

Reason: To comply with Council requirements.

90. 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.

Prior to the issue of an Occupation Certificate:

91. An application for street numbering shall be lodged with Council for approval, prior to the issue of an Occupation Certificate.
Note: Notification of all relevant authorities of the approved street numbers shall be carried out by Council.
Reason: To ensure all properties have clearly identified street numbering, particularly for safety and emergency situations.
92. A street number is to be placed on the site in a readily visible location, (numbers having a height of not less than 75mm) prior to occupation of the building.
Reason: To ensure a visible house number is provided.
93. The developer shall submit to the Principal Certifying Authority a letter from the telecommunications company confirming that satisfactory arrangements have been made for the provision of telephone and cable television services, prior to the release of the Subdivision Certificate or issuing of any Occupation Certificate.
Reason: To ensure provision of appropriately located telecommunication facilities.
94. 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. 474149M_03 dated 12 April 2013 will be complied with prior to occupation.
Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.
95. Acoustic measures are to be carried out in accordance with the recommendations outlined within Section 5 of the Acoustic Impact Assessment Report Document No. 20C-13-00330TRP-268103-1 – Revision 01 prepared by Vipac dated 2 April 2013. Appropriate certification that the works have been carried out and comply with the recommendations of the acoustic report is to be submitted to the satisfaction of the Principle Certifying Authority before the issue of the Occupation Certificate.
Reason: To protect the amenity of the future occupants of the site and adjoining properties.
96. Occupation or use, either in part or full, is not permitted until an Occupation Certificate has been issued. The Occupation Certificate must not be issued unless the building is suitable for occupation or use in accordance with its classification under the Building Code of Australia and until all preceding conditions of this consent have been complied with.

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

97. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority that is responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The record must include details of:

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

98. 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.

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

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

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

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

101. Works-As-Executed stormwater plans shall be submitted to Certifying Authority prior to the issue of the Occupation Certificate, certifying that the OSD Tanks and stormwater drainage system have all been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that:

- a) The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate.
- b) Stormwater system including On-Site Detention systems have been built according to and comply with the requirements including the OSD storage volume as shown on the approved stormwater plan.
- c) 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.
- d) The Work-As-Executed plans have been prepared and signed by a registered surveyor (including Registration Number) certifying the accuracy of dimensions, levels, storage volumes, etc.

- e) As built On-Site Detention (OSD) storage volume calculated in tabular form (in incremental depth verses segmental area and volume table) and certified by the abovementioned registered surveyor.
- f) OSD Works-As-Executed survey certification form and dimensions form (refer to UPRCT Handbook - Form B10 and Form Attachment B).
- g) Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook – Form B11 Certificate). The person issuing Hydraulic certificate shall ensure that all the works have been completed and comply with the approved plans.
- h) Approved installed Drainage Design (OSD) Calculation Sheet certified by a qualified practicing Hydraulic Engineer.
- i) Structural Engineer's Certificate for the OSD tank structure, basement pump-out tank structure, OSD basin (retaining) wall etc.
- j) 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.

102. 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 for the maintenance of the basement pump system and the on-site storm water detention facilities only upon satisfactory completion of OSD systems and following certification by the Hydraulic Engineer. The positive covenant and restriction on the use of land shall be created only upon completion of the OSD system and certification by a qualified practicing engineer to the satisfaction of the Certifying Authority. The terms of the instruments are to be generally in accordance with the Council's draft terms of Section 88E 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 (Not in 88B instrument)**. 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 and the detailed maintenance schedule, 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.

Note: The covenant is to be submitted to Council for approval prior to lodgement with the Land and Property Information Service of NSW. Documents relating proof of completion of the stormwater system according to the approved stormwater plan and certification of the compliance shall be submitted to the council together with the positive covenant and restriction.

Reason: To ensure effective maintenance of on-site detention and basement pump out systems and facilities.

103. Prior to issue of the Occupation Certificate, the Certifying Authority shall ensure that Flood Warning Systems and Flood Evacuation Measures are all implemented on site, as per the Council's approved "**Site Emergency Response Flood Plan**" under this DA consent condition No. 13. This shall

also include the Flood Warning Systems & Response Systems and Evacuation Strategy and Procedures whilst displaying of the laminated Evacuation Plan at a prominent location within the building and all other prominent locations around the building, for the residents/visitors to be aware of the potential flooding of the basement, in the event of major flooding. The Site Emergency Response Flood Plan shall also include the Strata Manager and the people nominated as part of the flood warden group (members of the Body Corporate) to monitor the drainage system of the property in the basement as well as pay attention to the weather reports during heavy rainfalls. A Certificate of Compliance for the satisfactory implementation of the flood related basement evacuation strategy, from the Consulting Civil Engineer shall be submitted to the Certifying Authority and Council, prior to the issue of the Occupation Certificate. A copy of the above Compliance Certificate shall be attached to the Occupation Certificate, when forwarded to Council for record.

Reason: To ensure the property owners / occupants are aware of the procedure in the event of flooding.

104. 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.

105. The applicant shall engage a suitably qualified person to prepare a post construction dilapidation report at the completion of the construction works. This report is to ascertain whether the construction works created any structural damage to adjoining buildings, infrastructure and roads. The report is to be submitted to the PCA. In ascertaining whether adverse structural damage has occurred to adjoining buildings, infrastructure and roads, the PCA must:

- compare the post-construction dilapidation report with the pre-construction dilapidation report, and
- have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.

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

Reason: To establish the condition of adjoining properties prior building work and any damage as a result of the building works.

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

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

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

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

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

NOTE: For more information contact NBN Co.

Development Liaison Team:

Call 1800 881 816

Email newdevelopments@nbnco.com.au

Web www.nbnco.com.au/NewDevelopments

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

Reason: To ensure public domain works are complete.

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

Note: Interpretative signage considered appropriate by the Artist and Council is to be installed within the artwork.

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

110. The existing lots shall be consolidated into one (1) lot and all existing rights of carriageway shall be extinguished with the new plan registered at the NSW Department of Lands. Proof of registration shall be submitted prior to issue of the Occupation Certificate.

Reason: To ensure consolidation and extinguishment of easements occurs.

111. A Certificate of Compliance from the Consultant Designers and Applicant’s Works Supervising Engineer shall be required to be submitted to the Certifying Authority before the issue of an Occupation certificate, certifying the eastern site boundary overland flowpath, basement ramp crest level, ramp grades, driveways and driveways grades, OSD & rainwater tanks and filter chamber, comply with the relevant consent conditions. A copy of the above Compliance Certificate shall be forwarded to Council for record.

Reason: To ensure the satisfactory compliance with engineering related conditions.

112. All works to the retained cottages at 113-117 Wigram Street and 23-25 Hassall Street are to be carried out in accordance with the Conservation Management Plan prepared by Colin Israel (Heritage Advice) dated April 2013 and the Schedule of Works dated 30 September 2013 forming addendums to the Conservation Management Plan to the satisfaction of the Principal Certifying Authority before the issue of any Occupation Certificate.

Reason: To confirm the details of the application and ensure the appropriate conservation of the retained cottages on the site.

- 112A. The Principal Certifying Authority must be satisfied that the building has been constructed in accordance with the finishes and materials of the building as approved in Condition 1 of this consent before the issue of an Occupation Certificate.

Reason: To ensure the quality of the design finishes is maintained.

113. An Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. **DA/241/2013** has been submitted to Certifying Authority.

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

Use of the Site:

114. The specific commercial and/or retail use or occupation of the ground floor tenancies or retained cottages at 113-117 Wigram Street and 23-25 Hassall Street shall be the subject of further development approval for such use or occupation.

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

115. 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.

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

Reason: To prevent pollution of the environment.

117. 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.

118. 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 storage room(s) or area(s) between collection periods.
Reason: To ensure waste is adequately stored within the premises
119. 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.
120. All loading and unloading shall take place within the designated loading areas on the subject property.
Reason: To protect the amenity of the area.
121. To preserve the streetscape, roller shutters are not to be placed over the entrance or the windows of the retail/commercial premises. Any security grill is to be located on the inside of the glass shop front and must be an open grille and see through.
Reason: To provide an appropriate streetscape appearance.
122. No air-conditioning condensers/units are to be located on any of the balconies.
Reason: To ensure the amenity of the units and visual amenity of the building.
123. A single antennae for the purpose of receiving television signals and a single satellite dish for the purpose of receiving satellite signals shall be installed for the entire building and not affixed to balconies or walls of individual units, and shall not be visible from any frontage.
Reason: To ensure the amenity of the area.