

Parramatta City Council <small>(January 2012 Version)</small>	
File No:	DA/702/2013

ASSESSMENT REPORT – Mixed Use Development S79C – Environmental Planning & Assessment Act 1979

SUMMARY

Application details

DA No:	DA/702/2013
Assessment Officer:	Denise Fernandez
Property:	2 - 8 River Road West, PARRAMATTA
Proposal:	Consolidation, remediation works, demolition and construction of a part 11 and part 12 storey mixed use development comprising of 2 level of basement carparking, 2 level base podium containing residential units and a roof top communal area, 3 ground floor retail tenancies and 271 dwellings with associated landscaping and site and foreshore works. The application is Integrated Development under the Water Management Act 2000. The proposal will be determined by the Sydney West Joint Regional Planning Panel.
Date of receipt:	29-Oct-2013
Applicant:	Krikis Tayler Architects
Owner:	NGP Investments (No 2) Pty Limited and Emin Pty Limited
Submissions received:	Three submissions
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Issues:	FSR. A Clause 4.6 variation has been submitted.
Recommendation:	Approval

Legislative requirements

Zoning:	B4 Mixed Use and RE1 Recreational
Permissible under:	Parramatta Local Environmental Plan 2011
Relevant legislation/policies:	Parramatta Development Control Plan 2011 BASIX SEPP, Section 94A Plan, Infrastructure SEPP, Sydney Harbour Catchment SREP, SEPP 55, SEPP 65, Urban Renewal SEPP, Policy for the Handling of Unclear insufficient and amended development applications
Variations:	storage, common open space, storeys, private open space, front setback, building depth, parking spaces, setbacks and building separation
Integrated development:	Yes – The development is within 40 metres of a waterway and therefore requires development consent under the Water Management Act.
Crown development:	No

The site

Site Area:	1.023ha of which 2492m ² foreshore area is to be dedicated to Council. As a result, the development site is reduced to 7661m ² .
Easements/rights of way:	None
Heritage item:	No
In the vicinity of a heritage item:	Yes – The Parramatta River Wetlands and Elizabeth Farm.
Heritage conservation area:	Yes – The site is located within the Harris Park Area of National Significance.
Site History:	Yes

23 April 2012 – At the Regulatory Council meeting, Council endorsed the planning proposal for 2-12 River Road West, Parramatta. The planning proposal included the following:

- rezone the land to part B4 Mixed Use and part RE1 Public Recreation;
- permit a maximum building height of 37 metres (11 storeys) at Nos. 2-8 River Road West

- permit a maximum floor space ratio of 3.4:1 at Nos. 2-8 River Road West
- require a foreshore building line of 15 metres measured to the mean high water mark

Concurrently, a Voluntary Planning Agreement was also endorsed by Council on 23 April 2012 which included the following:

- The dedication of land to Council along the Parramatta River Foreshore generally equal to 15 metres from the northern (river) boundary;
- The dedication of land to Council through the site between River Road West and the Foreshore, 6 metres in width; and
- The embellishment of land to be dedicated including the provision of shared pedestrian/cycleway, landscaping, lighting, and public domain improvements along the foreshore and through site links; and
- The restoration and repair of the river bank and riparian corridor including weed removal, revegetation, repair of erosion and sea walls; and
- Removal of contamination, including remediation works;
- The payment of a cash contribution toward local traffic improvements and a shared pedestrian/cycle bridge over Parramatta River.

The LEP and DCP were amended to reflect the changes from the planning proposal. These amendments came to effect on May 2013.

7 June 2013 - Pre-lodgement (PL/43/2013) meeting with Council Officers for the construction of a mixed use development with 3 residential blocks (Blocks A and B are 12 storeys and Block C is 14 storeys) comprising of 320 apartments (59 x 1 bedroom, 243 x 2 bedroom, 18 X 3 bedroom) and 2 levels of basement carparking and retail component at ground floor.

It is also noted that **DA/44/2014** is lodged with Council seeking approval for the demolition of all buildings on the site and ancillary structures. As of 2 April 2014, this application is recommended for approval and under peer review. The determination of this application is under delegation.

DA history

29 October 2013	DA/702/2013 was lodged.
13 November 2013	Application was reviewed by Design Excellence Advisory Panel (DEAP).
14 November 2013 to 14 December 2013	Advertising and notification of application.
28 November 2013	Applicant was sent DEAP recommendations and a 14 day letter requesting an alignment plan illustrating all levels within the public domain.

16 December 2013	14 day additional information request letter sent to applicant requiring the submission of an Environmental Assessment of bat and migratory bird habitat in the adjoining river corridor and a rehabilitation and restoration strategy for flora and fauna for the foreshore.
17 December 2013	Meeting with applicant to discuss DEAP recommendations.
17 December 2013	14 day additional information request letter sent to applicant requiring the submission of a River Embankment Strategy.
19 December 2013	JRPP briefing for the application held.
4 February 2014	14 day letter sent to applicant requesting a site specific flood model, the provision of an adequate erosion and sediment control plan and an amended hydraulic plan demonstrating consideration for potential groundwater inflows, discharge provisions to the river and an indication of rainwater tank locations
4 February 2014	Applicant submitted amended plans and written response to DEAP recommendations.
17 February 2014	Applicant submitted amended hydraulic plans and response to issues raised by Council's Catchment and Development Engineers.
17 February 2014	Email sent to applicant regarding the status of the outstanding information to date which was: <ul style="list-style-type: none"> - Alignment Plan (particularly to the foreshore) as requested in email dated 19 December 2013. - Environmental Assessment of bat and migratory bird habitat in the adjoining river corridor as requested in email dated 16 December - Rehabilitation and restoration strategy for flora and fauna for the foreshore area as requested in email dated 16 December. - River embankment reinstatement strategy as requested in email dated 17 December - Response to Council's Catchment Engineer comments as requested in Council's email dated 4 February 2014.

17 February 2014	<p>Application was reviewed by the Senior Officers Review Team (SORT) with regards to the departure to the FSR.</p> <p>SORT advised that the departure to the FSR can be considered upon the submission of a Clause 4.6 Variation statement.</p>
18 February 2014	14 day correspondence sent to applicant requiring the submission of a Clause 4.6 Variation statement for the departure to the FSR.
18 February 2014	Applicant submitted an amended Erosion and Sediment Control Plan.
19 February 2014	<p>Applicant submitted a Clause 4.6 Variation statement for the departure to the FSR.</p> <p>Applicant also submitted an alignment plan to the foreshore, an amended Flora and Fauna report and a response to the issues raised by Council's Catchment Engineer.</p>
21 February 2014	Applicant submitted an alignment plan to Alfred Street.
1 April 2014	Verbally requested to the applicant that they provide an amended roof plan providing the lift overrun for Building C with a decorative element in order to be considered as an architectural roof feature.
3 April 2014	Received amended roof plan and architectural plans.

SECTION 79C EVALUATION

SITE & SURROUNDS

The site comprises of 9 lots and when amalgamated is a corner allotment located on the northern side of River Road West and to the east of Alfred Street. The site is an irregular shaped allotment with an area of 1.023ha. However, 2492m² of the site which directly adjoins the foreshore is to be dedicated to Council as per the VPA. As a result, the development site is reduced to 7661m².

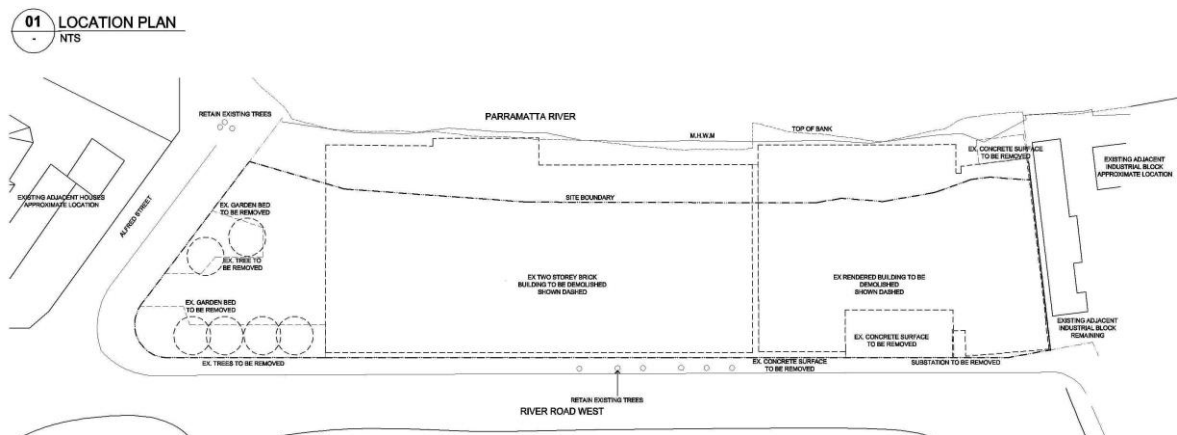
The site has a combined frontage of 198.45 metres to River Road West, 40.235 metres to Alfred Street and an eastern boundary of 54.6 metres. The site falls approximately 450mm from River Road West to the foreshore.

The surrounding development is a mixture of land uses from low and high density residential, commercial, car yards, retail and a reserve. The site immediately adjoins Parramatta River to the north and the site adjacent to the east is an industrial site. The nearest residential premises is located across the site on Alfred Street and is approximately 30 metres from the site boundary.

The site is:

- Located approx. 200 metres to the east of James Ruse Drive
- Located approx. 390 metres to the north of Elizabeth Farm and its curtilage which is a State Heritage listed item.
- Located approx. 690 metres to the north-west of Rosehill Racecourse.
- Located 1.5km south-west of Parramatta CBD.

Existing improvements on site comprise of 2 industrial buildings and an at grade parking along the Alfred Street frontage.



THE PROPOSAL

Consent is sought for the following:

- Consolidation of 9 lots
- Remediation works.
- Demolition of all existing industrial building and ancillary structures
- Construction of a part 11 and part 12 storey mixed use development (ie. Building A and B are 11 storeys and Building C is 12 storeys). Building A and B are linked via a 2 storey podium base.
- The mixed use development comprise of 287 units with a unit mix as follows:
 - 1 x studio
 - 67 x 1 bedroom
 - 4 x 1 bedroom SOHO
 - 198 x 2 bedroom
 - 17 x 3 bedroom
 - 3 x retail tenancies located at ground

- On the portion of the site zoned RE1 Public Recreation, the development application seeks approval for the following works:

- It is noted that the above works are pursuant to the endorsed VPA for the site.

Parramatta Local Environmental Plan 2011

JRPP (Sydney West Region) Business Paper – Item 2 – 17 April 2014 – JRPP Ref: 2013SYW104 Page 7

The definition of a 'mixed use development' is as follows:

"means a building or place comprising 2 or more different land uses"

As the development seeks approval for a building comprising of SOHO apartments, residential accommodation and retail premises, the proposal is considered to be a mixed use development and is permissible with consent.

Accordingly, 'residential accommodation' and 'retail premises' are defined as follows:

'residential accommodation' means a building or place used predominantly as a place of residence'

'retail premises' means a building or place used for the purposes of selling items by retail, or hiring or displaying items for the purpose of selling them or hiring them out, whether the items are goods or materials (or whether also sold by wholesale)"

Further, the development provides 3 SOHO (Small Office Home Office) apartments and as such is considered an 'office premises' and a 'home business' which are defined under the LEP as:

'office premises' means a building or place used for the purpose of administrative, clerical, technical or professional or similar activities that do not include dealing with members of the public at the building or place on a direct and regular basis, except where such dealing is a minor activity (by appointment) that is ancillary to the main purpose for which the building or place is used.'

'home business' means a business that is carried out in a dwelling or in a building ancillary to a dwelling by one or more permanent residents of the dwelling and that does not involve:

- a.) *the employment of more than 2 persons other than those residents, or*
- b.) *interference with the amenity of the neighbourhood by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil, traffic generation or otherwise or*
- c.) *the exposure to view from any adjacent premises or from any public place of any unsightly matter, or*
- d.) *the exhibition of any signage (other than a business identification sign) or*
- e.) *the sale of items (whether goods or materials), or the exposure or offer for sale of items, by retail, except for goods produced at the dwelling or building'*

It is noted that no portion of the mixed use development is located on the RE1 Public Recreation Zone that is adjacent to the site to the north. Additionally, the awnings on the ground floor that address the foreshore which relates to the retail premises are located within the B4 Mixed Use.

The application also seeks approval for works on the portion of the site that is zoned RE1 Public Recreation zone. The works are considered to be ancillary to a 'recreation area' (upon the dedication of the foreshore area to Council).

The definition of a "recreation area" is as follows:

"means a place used for outdoor recreation that is normally open to the public, and includes:

- (a) A children's playground, or*
- (b) An area used for community sporting activities, or*
- (c) A public park, reserve or garden or the like,*

And any ancillary buildings, but does not include a recreation facility (indoor), recreation facility (major) or recreation facility (outdoor)."

Accordingly, the works proposed on the RE1 Public Recreation zone are ancillary to a future 'recreation area' the works are permissible with consent.

REFERRALS

Property

The development application was referred to the Property Services Officer. Upon review of the application, the Property Services Officer provided advice that they raised no objections to the proposed development.

Arts Plan

The development application was referred to Council's Arts Plan Officer. Upon review of the application and the submitted Arts Plan, Council's Arts Plan Officer provided advice that they raised no objections to the proposed development, subject to conditions of consent.

Development Engineer

The development application was referred to the Development Engineer. Upon review of the application, the hydraulic plans and relevant documentation, Council's Development Engineer provided advice that they raised no objections to the proposed development, subject to conditions of consent.

Catchment Engineer

The development application was referred to the Council's Catchment Engineer. Upon review of the application, the hydraulic plans and relevant documentation, Council's Catchment Engineer provided advice that they raised no objections to the proposed development, subject to conditions of consent.

Waste Officer

The development application was referred to the Waste Officer. Upon review of the application and the submitted Waste Management Plan, Council's Waste Officer provided advice that they raised no objections to the proposed development, subject to conditions of consent.

Health (Acoustic) Officer

The development application was referred to the Health (Acoustic) Officer. Upon review of the application and the submitted Noise Management Plan, Council's Health (Acoustic) Officer provided advice that they raised no objections to the proposed development, subject to conditions of consent.

Health (Environmental Management) Officer

The development application was referred to the Health (Environmental Management) Officer. Upon review of the application, Council's Health (Environmental Management) Officer provided advice that they raised no objections to the proposed development, subject to conditions of consent.

The following comments were also provided with regards to the environmental management of the site.

Whilst a construction noise plan has been submitted there has been no Construction Environmental Management Plan (CEMP). Given the size, scale and location of this development on the river foreshore a CEMP is to be prepared. A condition is to be imposed requiring the provision of such documentation.

An Operational Environmental Management Plan would also need to be submitted for the ongoing use of the site. The Environmental Management Plan should address issues such as noise, etc. To ensure that this documentation is prepared, a condition will be imposed on the consent.

Planning Comment:

As per the above, conditions will be imposed on the consent to reflect the above requirements to ensure appropriate environmental management.

Health (Contamination) Officer

The development application was referred to the Health (Contamination) Officer. Upon review of the application and the submitted Stage 2 Assessment and Remediation Action Plan, Council's Health (Contamination) Officer provided advice that they raised no objections to the proposed development, subject to conditions of consent.

The following comments were also provided with regards to the potential contamination of the site.

Both the Stage 2 and the Remedial Action Plan have been reviewed and which appear to have been prepared in accordance with the EPA Contaminated Site Series. Both documents make reference to an underground storage tank but do not reference the correct guidelines. As such, it is suggested that special conditions be imposed on the consent to ensure this has been reviewed.

Also, due to the size and scale of this development and the likelihood of additional unknown contamination on the site, this warrants the engagement of a Site Auditor to ensure the remediation and validation is undertaken in accordance with the proposed Remedial Action Plan. This requirement will be reflected as a condition in the consent.

Planning Comment:

As per the above, conditions will be imposed on the consent to reflect the above requirements to ensure appropriate contamination management. It is also noted that the proposal is assessed against the requirements under SEPP 55 which is discussed later in this report.

Transport Planner

As there is a planned pedestrian/bicycle bridge commencing on Alfred Street, the application was reviewed by Council's Transport Planner. Upon review of the proposal, the following comments were made:

- An Alfred St shared zone or partial road closure is supported in principle provided that existing access both along the foreshore and to adjacent properties is maintained.*
- The shared bridge is shown in the western side of the road reserve. No detailed design of this bridge has been carried out and this assumption may not be valid. The current road reserve should be maintained so that there is adequate area for the access ramps etc.*
- The plan shows the landscaping and paving extending on to the public domain on Alfred St. This blurs the lines between public and private space. This treatment should be restricted to the applicants' site.*

As there are many as yet unresolved issues with the bridge design - no further design is to be done on the Alfred Rd road reserve until detailed design of the shared bridge and connecting paths is undertaken. It is reiterated that the foreshore shared paths need to be a minimum of 3 metres wide.

Further, Council's Transport Planner notes:

“...If works are undertaken on the footpath they should be consistent with Councils Public Domain Guidelines which sets out the requirements for footpaths, curb ramps etc. The current design is not compliant with pedestrian access best practice”.

Planning Comment

A condition of consent will require amended architectural and landscape plans indicating that all works are to be contained wholly within the site, particularly along Alfred Street to reflect the comments provided by Council’s Transport Planner.

Landscape Officer

The development application was referred to Council’s Landscape Officer. Upon review of the application and the submitted Landscape Plan, Council’s Landscape Officer provided advice that they raised no objections to the proposed development, subject to conditions of consent.

The following comments were also provided with regards to the proposed tree removal.

Impact on Site Trees

1. *Trees to be removed are:*

Tree No	Name	Common Name	Location	Condition/ Height	Reason
3x	<i>Grevillea robusta</i>	Silky Oak	South-western corner of the site	Good/14m	Unable to be retained due to extent of site development and position within the site.
3x	<i>Eucalyptus elata</i>	River Peppermint	South-western corner of the site	Fair/5-14m	Poor structure. Located within the proposed building platform
1x	<i>Casuarina glauca</i>	She Oak	South-western corner of the site – Along the River Road frontage	Good/14m	Unable to be retained due to extent of site development and position within the site.
16x	<i>Casuarina glauca</i>	She-oak	South-western corner of the site	Good/5-14m	Stand of planted and self-sown trees located within the

					proposed building platform.
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Impact on adjoining trees

The She Oak trees located along the river bank and in close proximity to the north-western corner of the site have not been assessed as part of this referral. These trees are located within the area of land which shall be dedicated to Council and will form part of a future VMP which is to be reviewed by Councils Open Space, Property and Infrastructure sections.

Landscape

The proposed Landscape Plan is considered satisfactory in concept. However, the Landscape Plan cannot be included within the stamped documentation as the plan is required to be amended subject to design and approval of works within the public domain which adjoins the site.

The key to providing appropriate landscape amenity for the proposed development lies in ensuring that works within the site integrate seamlessly with the public domain and river foreshore.

It is understood that Council will impose conditions that works within the public domain be redesigned and approved by Council prior to CC. In light of this it shall also be requested that the landscape plan be revised in conjunction with the public domain to ensure appropriate integration between private land and the public domain.

Planning Comment

In accordance with the comments from Council's Landscape Officer, a condition will be recommended for inclusion within the consent, requiring an amended Landscape Plan that incorporates the landscape works on the public domain, to include the foreshore and the pedestrian link.

Heritage Officer

The development application was referred to Council's Heritage Officer. Upon review of the application and the submitted plans, Council's Heritage Officer provided the following comments.

The property is not part of any heritage item. However, it is located in the Harris Park Area of National Significance, and in the vicinity of a listed heritage item, the Parramatta River Wetlands. The industrial buildings currently on the site are therefore not of heritage significance, and their retention is not required. However, it is noted that in any potential

development, the guidelines for the Area of National Significance will apply. Notably, the site encroaches on Significant View Corridor No. 5, identified in the DCP as the view linking Elizabeth Farm with the MacArthur House.

The DCP thus set a minimum separation between buildings in this area to 26m, with an objective of protecting the significant views. The concept of three towers on the combined sites was presented earlier, to the Design Excellence Panel and to the Council (in PL/43/2013). The Design Excellence Panel, who had reviewed an earlier the concept for the site, advised that 26m is the minimum separation required that they would support at that time (applicants have initially proposed 18m separation). In the PL/43/2013, the council indicated that 24m may be acceptable, subject to views analysis. The views analysis was presented with the current DA. However, it has been partly made difficult by the mature vegetation. In any case, it appears that the significant View 5 passes directly between the proposed Blocks A and B.

In this situation, one potential compromise would appear to be that separation of 26m is imposed between the Block A and Block B (where the historic view is) and that a lesser separation of 24m be permitted between the Block B and Block C.

Another component of the project is an Arts Plan. The submitted Arts Plan includes heritage elements, and is deemed adequate to the purposes of this project. The heritage report is also deemed adequate for its purposes, albeit the separations between blocks should, in my opinion, be wider than that report proposed.

It is noted that the proposal (Block A) makes a small encroachment on the 37m height plane. From the heritage perspective, this is not a major or critical question, however, it is noted that there is no reason (from the heritage perspective) to support any variation to planning controls, as these were largely designed with an objective to protect heritage and present the deemed maximum development potential that can reasonably be achieved on the site.

Planning Comment

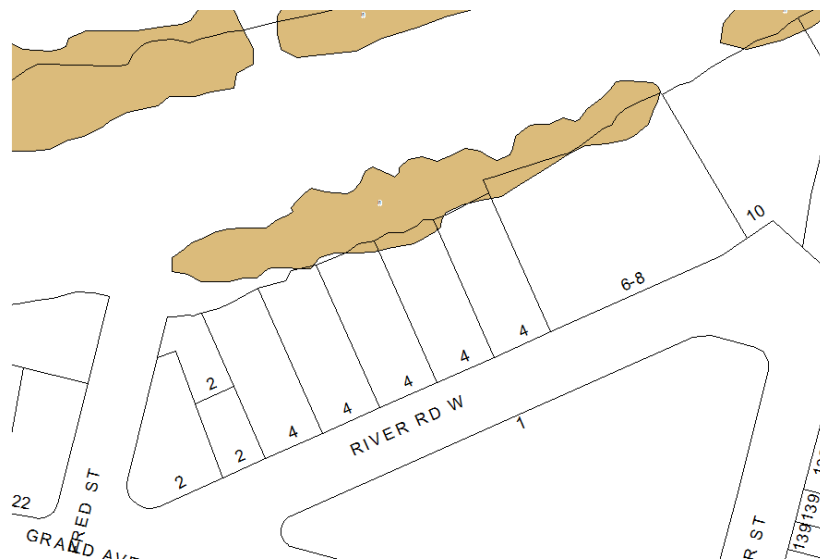
The design of the proposal as three individual towers and a podium with a minimum 24 metres building separation to preserve historic view corridors to and from the river is considered appropriate in this regard. The proposed development is generally designed in accordance with the building footprints envisaged by the planning proposal. The planning proposal permitted the rezoning of the subject area with the height and FSR increase which the proposal is generally compliant with. In this regard, any impacts to the view corridors to key areas such as Elizabeth Farm and

its curtilage are acceptable. It is also noted that Council Officers during the pre-lodgment meeting advised that a minimum 24 metres separation would be acceptable.

With regards to the encroachment in height, this occurs as a result of the lift overrun. Pursuant to the provisions of the PLEP, an encroachment to the maximum height is acceptable provided that it is designed so that it is not viewable from the street, create additional building bulk or accommodate floor area. As the lift overrun is setback from the building edge and sited towards the centre of the roof and does not have the capacity to accommodate floor area, the encroachment in the height is acceptable.

The encroachment in height also does not impact on heritage view corridors as the lift overrun does not disrupt the building separation of the individual towers.

A minor portion of the site towards the foreshore contains state heritage listed wetlands. The extent of this coverage is illustrated below.



Given that the development and associated works is sited well towards the River Road West boundary, it is unlikely that the portion of the site that contains the heritage listed wetlands will be disturbed. It is noted that Council's Heritage Adviser, Open Space, Landscape Officer, Natural Area Planner or the NSW Heritage Office have not raised any concerns with regards to the impacts of the development on the wetlands. Further, as the foreshore area of the site will be dedicated to Council for purposes of a recreation area, the wetlands will continue to be preserved.

Urban Design (Alignment)

The development application was referred to Council's Urban Designer with regards to the alignment plan. Upon review of the application and the submitted alignment plan, Council's Urban Designer provided the following advice.

“...regarding the location of the landscaping on the foreshore park - as this land is to be dedicated to Council the landscaping should be located along the boundary of the development and the land dedication. This will ensure that all dedicated land is available to the public and not absorbed into the development.

To ensure appropriate planting of street trees indicative street tree locations should be shown on the alignments plan.”

Planning Comment

As per the comments from Council's Urban Designer, a condition will be imposed on the consent, requesting an amended landscape plan showing a clear demarcation between the private land and land to be dedicated to Council. A separate condition will also be included in the consent requiring an amended alignment plan illustrating indicative street tree locations. In this regard, upon implementation of the aforementioned landscaping works, Council is satisfied that the development appropriately transitions to the foreshore.

Civil Assets

The development application was referred to the Council's Supervisor of Civil Assets with regards to the alignment plan. Upon review of the application and the submitted alignment plan, Council's Supervisor of Civil Assets provided the following advice.

In general the path levels are fine. However, I have a concern with regards to the 1.5 metre wide footpath where in places, is only about 1 metre from the top of the river bank. This could become an issue if any erosion occurs.

I also question the need for this path when the 3.0m wide cycleway can be considered a dual use path.

Some of the grades between the cycleway and river bank are steep and will need to be adjusted to reduce the grades.

Planning Comment

With regards to the proximity of the 1.5 metre wide footpath to the top of the bank, any potential erosion will be mitigated through appropriate erosion and sedimentation measures enforceable via a condition of consent which is to be implemented prior to the dedication of the foreshore area to Council.

Further, a condition will be imposed on the consent requiring the grades between the cycleway and riverbank to a maximum of 12.5% which was a grade recommended by Council's Supervisor of Civil Assets,

Council had also requested detailed alignment plans for the foreshore. In response, the applicant provided the following:

Council had requested detailed foreshore alignment plans, which given the detailed level of information required and that this can only occur once the existing buildings are demolished, the detailed plans is to be provided to Council for approval prior to the issue of the CC. Our Engineer has advised that these works are detailed construction drawings which will require better access to the site and it is reasonable that these be provided at the CC stage.

Given the above response and that Council's Supervisor of Civil Assets did not raise an objection, a condition will be imposed on the consent requiring the detailed design plans to be submitted for approval prior to the issue of the Construction Certificate.

Open Space

Upon submission of additional information, the application and the Flora and Fauna report was reviewed by Council's Open Space and Natural Area Planner. In response, the following comments were provided.

Requirement 1 (Terrestrial & Aquatic Flora & Fauna Investigation)

I have reviewed the Flora & Fauna Assessment and note that is only applies to the subject site and does not include 'bat and migratory bird habitat in the adjoining river corridor'. Furthermore the PDCP requires 'Consultation should be undertaken with NSW Office of Environment and Heritage with regard to migratory bird and bat habitat and flight paths prior to undertaking environmental assessments.'

Could you please investigate (as I would be satisfied that this PDCP requirement has been met if appropriate consultation with the Scientific section of the Office of Environment & Heritage has occurred)?

Requirement 2 (Rehabilitation and restoration strategy)

The submitted Flora & Fauna Assessment does not satisfy the requirement for a 'Rehabilitation and restoration strategy' which only provides general recommendations regarding foreshore flora / fauna rehabilitation and restoration. This assessment report would provide the basis for such a strategy, which would be in the form of a Vegetation Management Plan (VMP) as outlined as the following recommendation:

'(f) on completion of the demolition of the existing building an approved VMP describing riverbank and riparian corridor rehabilitation and restoration detail must be prepared and implemented for the entire site, this is to be in place prior to further works across the site.'

The VMP will facilitate the implementation of the works by the application as outlined in Schedule 2 of the Voluntary Planning Agreement and will be undertaken in conjunction with the 'River embankment reinstatement strategy'.

In addition, Council's Open Space and Natural Area Planner was also requested to provide comment with regards to the foreshore area of the site to be dedicated to Council and the landscaping proposed within this area. As such, the following comments were provided.

- i. Environmental Buffer Zone (between Concrete Pavement & Embankment) requires more detail to be subject to Vegetation Management Plan. The Vegetation Management Plan to be submitted and approved by Council prior to works.*
- ii. Expand width of central planting bed south to align with land dedication boundary (to minimise future maintenance issues / maximise deep soil area);*
- iii. Pedestrian / bicycle path must be a minimum width of 3m and minimum width of 5m from top of bank;*
- iv. Replace the following non-native species with native species including:*
 - a. 16 x Kentia Palm with 16 x Cabbage Tree Palm;*
 - b. 354 x Liriope with 354 Dianella caerulea 'Little Jess' (Dwarf Dianella);*
 - c. 84 x Star Jasmine with 84 x Hardenbergia violacea;*
 - d. 16 x Street Trees (Tuckeroo) with Lemon Myrtle (Backhousia citriodora).*

Planning Comment

Schedule 2 of the VPA states the following:

- a) Prior to commencement of any site disturbance including weed removal, earthworks and the like, a Flora and Fauna investigation is to be undertaken by a suitably qualified professional to determine whether the site contains any threatened or endangered species. The recommendations of the report are to be approved by Parramatta Council prior to any work commencing.*

Accordingly, a condition will be imposed on the consent requiring:

- Consultation with the Office of Environment and Heritage prior to undertaking any environmental assessment for bat and migratory bird habitat in the adjoining river corridor.
- The preparation and submission of a Vegetation Management Plan describing riverbank and riparian corridor rehabilitation and restoration detail and to be implemented for the entire site. This is to be in place prior to further works across the site.
- The VMP is to also detail the Environmental Buffer Zone and is to be approved by Council prior to works.

- Increase the width of the central planting bed to align with the land dedication boundary.
- Replace non-native species with native species as per the recommendation.

Traffic Engineer

The development application was referred to Council's Traffic Engineer. Upon review of the application, the submitted Traffic report and related plans, Council's Traffic Engineer concluded that the proposal, despite the departures to the parking requirements is acceptable on the following grounds:

- The proposal is the first mixed use development in the area and that its construction would allow the activation of this precinct.
- The development of the site
- The subject site is located within walking distance to the Parramatta CBD, UWS and public transport which supports a lower parking rate or a departure in the parking controls.
- Other precincts (ie Harris Park and Granville) within the Parramatta LGA permits reduced parking rates to encourage public transport usage and that it is within proximity to Parramatta CBD.
- The development site is restricted in that a portion of the site adjacent to the foreshore will be dedicated to Council. As such, any potential for a larger basement to accommodate additional on-site parking spaces is limited.
- Compliance with the recommended conditions which includes provision of parking and bicycle spaces in accordance with the relevant standards, provision of written evidence offering the share car spaces to car share providers, provision of a separate entry driveway and exit driveway, provision of speed control devices and a security card reader.

Roads and Maritime Services

In accordance with Clause 104 (3) of the ISEPP, as the development provides more than 75 dwellings that connects to a classified within (90 metres, ie James Ruse Drive), the application was referred to the RMS. In response, RMS provided no objections to the proposal subject to conditions of consent that are included in the recommendation.

A further submission from RMS was received wherein concerns were raised that the submitted plans indicate potential works on RMS land.

It is noted that the Parramatta River foreshore is owned by the RMS.

A conversation was held with RMS wherein it was confirmed that no works are to be undertaken along the foreshore. It was also recommended that a condition be imposed on the consent stating that all works are to be contained wholly within the development site and that any works required along the foreshore will require further approval from RMS. Accordingly, a condition is imposed on the consent reflecting this recommendation.

Office of Water

The development application was referred to the NSW Office of Water pursuant to Section 91 of the Water Act as the development is within 40 metres to a waterway. On 17 January 2014, the NSW Office of Water raised no objections to the development and issued the General Terms of Agreement (GTA).

The following comments were provided regarding the works.

If the proposed development is approved by Council, the Office of Water requests that these GTA be included (in their entirety) in Council's development consent. Please also note the following:

- The Office of Water should be notified if any plans or documents are amended and these amendments significantly change the proposed development or result in additional works on waterfront land (which includes (i) the bed of any river together with any land within 40 metres inland of the highest bank of the river, or (ii) the bed of any lake, together with any land within 40 metres of the shore of the lake, or (iii) the bed of any estuary, together with any land within 40 metres inland of the mean high water mark of the estuary).
- Once notified, the Office of Water will ascertain if the amended plans require review or variation/s to the GTA. This requirement applies even if the proposed works are part of Council's proposed consent conditions and do not appear in the original documentation.
- The Office of Water should be notified if Council receives an application to modify the development consent and the modifications change any activities on waterfront land.
- The Office of Water requests notification of any legal challenge to the consent.

As the controlled activity to be carried out on waterfront land cannot commence before the applicant applies for and obtains a controlled activity approval, the Office of Water recommends the following condition be included in the development consent:

"The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to Council".

The attached GTA are not the controlled activity approval. The applicant must apply (to the Office of Water) for a controlled activity approval **after consent** has been issued by Council **and before** the commencement of any work or activity on waterfront land.

Finalisation of a controlled activity approval can take up to eight (8) weeks from the date the Office of Water receives all documentation (to its satisfaction). Applicants must complete and submit (to the undersigned) an application form for a controlled activity approval together with any required plans, documents, the appropriate fee and security deposit or bank guarantee (if required by the Office of Water) and proof of Council's development consent.

Office of Environment and Heritage

The application was reviewed by Office of Environment and Heritage as the subject site is within proximity to Elizabeth Farm and the Female Orphan School / UWS Parramatta Campus. The site is also adjacent to the Parramatta River Wetlands which is heritage listed.

Upon review of the application, the Office of Environment and Heritage did not provide any formal written comment. However, the Office of Environment and Heritage noted via email correspondence that the submission provided by Sydney Living Museums / Historic Houses Trust of NSW and the concerns contained within the submission is supported by the Office of Environment and Heritage. This submission is discussed in the public consultation section of this report.

Design Excellence Advisory Panel

The development application was considered by the Panel prior to lodgment on 15 May 2013. As part of this application it was considered by DEAP at its meeting on 13 November 2013. The DEAP provided the following comments (left column) and in response, the applicant provided a statement (right column).

DRP Comment	Applicant response
The Panel acknowledged that the design has progressed substantially since the last Panel meeting on the 15 th May and that the majority of issues raised by the Panel have been responded to in some form.	Noted
<p>Building separation and side setbacks - It is understood that at a meeting between Council and the Applicant on the 7th June, Council noted that building separation of less than 24m would not be accepted. At this same meeting it is also understood that Council noted it would accept a relaxation of the East and West setbacks, if the building separation was met.</p> <p>The DCP nominates:</p> <ul style="list-style-type: none"> - a building separation distance of 26m. 	Agreed.

DRP Comment	Applicant response
<ul style="list-style-type: none"> - east boundary setback of 14m. - west boundary setback of 5m. <p>The current proposal nominates:</p> <ul style="list-style-type: none"> - a building separation distance of 24m. - east boundary setback of 12m. - west boundary setback of 3m. <p>The effect of this would be a nett increase of the total building width across the site of 8m. There are also minor infringements proposed in the north and south setbacks, however these are considered negligible.</p> <p>The Panel noted that it was not concerned about privacy between units facing each other, as the recommended minimum building separation distances nominated in SEPP 65 are all exceeded. However what was of concern to the Panel was the potential 'wall effect' and lack of ground level permeability of the development given its location along the Parramatta River and the resultant blocking of views to the river of current and future developments to the south. The Panel can see no justification for not complying with the DCP building separation and boundary setback requirements when the resultant additional bulk would be inappropriate in this context and there are no potential community benefits associated with these non-compliances that would compensate for the additional impacts.</p> <p>It was also noted that in re-shaping the building development since the previous Panel meeting, the building forms have become more rectilinear, with the removal of 'chamfered' corners that assisted with angled views and greater visual permeability towards the river.</p> <p>The only justification offered for the reduction of the DCP controls was that the maximum allowable FSR could not be achieved without this relaxation.</p> <p>The Panel is not convinced that the reduction in the nominated DCP setbacks is justified and can see no public benefit for the community. As such we recommend that the proposal comply with the DCP setbacks and that these be considered minimums to be achieved.</p>	<p>As noted by the panel the separation between the buildings meet the separation distances recommended by the RFDC. It is also noted that the panel do not raise a concern with privacy between the buildings. The panels concerns relate to the length of the buildings and impact this has on the ground level permeability. In addition the impact on view corridors and resultant bulk of the building.</p> <p>The RFDC which provides industry accepted 'Rules of Thumb' indicates that the building separation is also about 'spatial relationship of buildings'. The RFDC recommends separation distances to achieve this appropriate massing (spatial relationship) between buildings and not just as it relates to privacy.</p> <p>The controls that relate to the separation between the buildings are contained with a Development Control Plan. A DCP is a 'guideline document' and does not have the same legal weight as an Environmental Planning Instrument. There is opportunity available to vary controls within a DCP without the formal process of a Clause 4.6 variation. In addition, variations to the DCP controls do not need to demonstrate a 'public benefit' which is a consideration under a Clause 4.6 variation.</p> <p>The development application, SEE and supporting documentation demonstrated that the building created an appropriate building form that responded to the site characteristics and key matters relating to bulk and scale, overshadowing, view loss and ground level activation.</p> <p>The building bulk that is created complies with the numerical controls and objectives of the height and floor space development standards established by the LEP and accordingly are considered appropriate on this site.</p> <p>The ground level permeability has been enhanced by the provision of an additional through site link as suggested by the panel. The ground level activation that has been further improved on the accompanying amended plans provides substantial visual interest that will draw the eye along and through the site and further improves the</p>

DRP Comment	Applicant response
	<p>pedestrian experience.</p> <p>In relation to the potential impact on view corridors, this was addressed in detail in the SEE and View Analysis undertaken. The assessment concluded that the impact of the development is minor and this was considered acceptable given the planning controls established in the LEP.</p> <p>Although the provision of a 'public benefit' is not a relevant criteria in considering a variation to a DCP control, this development, the land to be dedicated and the embellishment of the foreshore will provide a substantial public benefit.</p> <p>The variations to the DCP controls are considered reasonable and accordingly appropriate for this development.</p>
<p>2. FSR – The Applicant has advised that the FSR now complies, however this could not be verified by Council Planners at the meeting. Subsequent to the meeting Council has confirmed that the FSR of the current proposal is 3.459:1, which is in excess of the maximum nominated in the LEP of 3.4:1. As per the previous Panel meeting, we recommend that the FSR nominated in the controls be the absolute maximum allowed, on condition that all other controls have also been met. In this regard reducing the proposed FSR can assist in achieving more ground level permeability between Buildings A and B, and compliance with the setbacks defined in the DCP.</p>	<p>The Floor space calculations provided by Council are currently under review by the project architect. A separate response will be provided in this regard.</p>
<p>3. Height – It is understood that the revised building heights appear to comply with the overall height allowed in the LEP and DCP. However it is noted that the number of storeys in each building has been increased by one storey when compared to the DCP maximum. This has been achieved through reducing the typical floor to floor height to 2,950mm. The Panel is concerned that a floor to floor height of 2,950mm is very tight given that it is necessary that the minimum ceiling height of a habitable space of 2,700mm be achieved, as nominated in SEPP 65. In the event that the floor to floor heights are increased, the maximum building heights nominated in the DCP should not be breached in order to achieve this. The Panel considers this to be an absolute maximum height. Instead the development should revert to the maximum number of floors nominated in the DCP.</p>	<p>The height of the building complies with the maximum height permitted under the LEP. In the event of an inconsistency the provisions of the LEP prevail over a Development Control Plan which is not an environmental instrument, but rather a guideline document.</p> <p>The floor to floor heights have been reduced, however with the provision of hobs to the balconies 2.7 metre floor to ceiling heights will be maintained to the living areas and bedrooms. This achieves the requirements of the RFDC.</p> <p>There is no proposal to increase the floor to floor heights and accordingly the development does not exceed the maximum permitted by the LEP.</p>

DRP Comment	Applicant response
<p>4. Deep Soil and the eastern cross-site pedestrian link – Council Planners confirmed at the meeting that the provision of deep soil planting does not currently comply with the area required. It was also confirmed that the land dedicated to Council along the river foreshore is not counted in calculating the area of deep soil required to be provided. The Panel considers that the deep soil planting on the site needs to be increased to achieve the minimum required.</p> <p>The Panel was concerned that the 6 metre wide cross-site pedestrian link to be dedicated to Council appeared more like a 3 metre wide path edged with raised planting beds that primarily service the privacy needs of the adjacent ground floor units.</p> <p>The Panel recommends that the 6 metre wide dedicated zone should be clearly defined as public use, with areas for seating and resting along with deep soil planting zones set flush with the path. To achieve this, a number of car parking spaces directly under would need to be either relocated or removed, in consultation with Council.</p>	<p>It was noted in the SEE that the deep soil landscaping provided in the foreshore area does not strictly count towards the DCP control for deep soil landscaping, as this area is not considered site area as the development would not be permitted in the RE1 zone.</p> <p>However it is my opinion, and as discussed with Council at the December meeting, this area of deep soil landscaping provides a substantial landscape benefit that should be counted towards the intent of the control as it would only result as part of the proposed development.</p> <p>The objective to maximise the activation of the foreshore area is balanced by the retail space and associated hardscape areas and the deep soil landscaped areas along the foreshore. When viewing the development from the foreshore the deep soil landscaped area provides a significant setting to the foreground of the development. The deep soil landscaping which will be provided as a result of this development provides a significant public benefit and achieves the intent of the controls for the Precinct.</p> <p>Including the foreshore land that currently does not provide deep soil landscaping due to the existing building the development will provide 39.4% of the existing site as landscaped area. 22% of the existing site area will be deep soil landscaping exceeding the DCP control of 15%.</p> <p>The retail activation and opportunity for hard paved areas to facilitate and encourage outdoor dining meets the intent of the DCP and facilitates increased activation and surveillance of the foreshore area. A reduction in the retail activation and provision of additional deep soil landscaping in this area would have a significant impact on the ability for the development to achieve the desired future character. As noted above, irrespective of the zoning the foreshore deep soil landscaped zone is created as part of this development and will contribute to the landscaped setting of the building.</p> <p>The through site link comprises pedestrian access and associated landscaping which improves the amenity and enjoyment of the experience through the space. The plans have been amended to provide a clear 4 metre wide pedestrian zone. The landscaped areas either side of the path are to be dedicated to Council as part of the through site link.</p> <p>The purpose of the link is to enable persons to move through the site to access the foreshore. It is not intended to be an area for passive recreation. Additional</p>

DRP Comment	Applicant response
	<p>deeper soil zones have been provided in this zone to enable increased landscape opportunities which will improve the pedestrian experience. As a result of providing additional deeper soil zones, 6 parking spaces in basement level 1 have been deleted allowing for an increase in the depth of soil available. This will result in a reduction from 41 visitor parking spaces to 35 visitor parking spaces.</p>
<p>5. River Road West street activation – It was noted that many ground level utilitarian functions have been relocated and that they have been replaced with 'SOHO' style apartments. Whilst this is certainly an improvement, the Panel was still concerned at the number of raised planter beds and other built fabric that limited direct activation of the ground floor and presented a 'walled appearance to the footpath. Whilst privacy for ground floor units need to be preserved, further exploration of the ground plane interface is appropriate.</p> <p>Whilst it was acknowledged that continuous commercial activation of River Road West may not be viable, the Panel believes that there is merit in considering commercial activation along the west end of River Road West between the Podium and the Alfred Street corner. This area has frontage directly opposite Tramway Avenue and would help to enliven the Alfred Street end of the development.</p>	<p>The comments of the panel are noted, however we are concerned with the viability of retail uses in this location along River Road West especially as this space is detached from the primary retail precinct along the foreshore. Furthermore given the opportunity to traverse from River Rd West to the foreshore area along Alfred Street for persons travelling from the west or the landscaped through site link for persons travelling from the east pedestrian patronage in this location is expected to be minimal.</p> <p>We feel that the SOHO unit creates the right balance by activating the frontage and creating a viable use as opposed to a more traditional commercial use.</p> <p>It is open to Council to impose a condition requiring the unit to be used for commercial purposes if the above position is not accepted.</p>
<p>6. Podium between Buildings A and B and Potential west cross-site pedestrian link – At the previous Panel meeting it was suggested that consideration be given to removal of the podium link, or provision of a double height arcade link in order to increase physical and visual connections between River Road West and the river. Whilst the Panel notes the Podium has now been reduced in height to that nominated in the DCP, it believes that further consideration should be given to a through site link or arcade with generous head height and width, perhaps combined with access to the lobby entry to increase permeability. That would benefit both residents and the public as well as potential activation of retail frontages</p>	<p>The plans have been amended to provide a through site link combined with the entry lobby to Building B as suggested by the Panel.</p> <p>Due to alternate opportunities to traverse the site, the through site link has been designed as an enclosed space with doors at either end which will allow for controlled access during appropriate times of the day. It is suggested that this may allow for access between the hours of 8am to 6pm.</p> <p>It is noted that it is unlikely that this through site link will be highly used given the proximity to Alfred Street and the primary through site link to the east.</p>
<p>7. Block C treatment at ground – It was noted that whilst Blocks A and B utilized the Podium and foreshore canopy to ease the interface between the</p>	<p>The design intent was to incorporate a different ground level treatment to Building C as this building is entirely residential and therefore different in its function as opposed to Buildings A & B. Accordingly, it was</p>

DRP Comment	Applicant response
<p>ground plane and the building tower, Building C appears to come to ground without as much attention. Further design exploration is recommended to look at complementary treatment around the base of Building C, perhaps following that of the east elevation to Building B.</p>	<p>proposed that the treatment of Building C would visually anchor to the ground expressing a continuation of residential uses.</p> <p>Notwithstanding this, options to explore alternatives were presented to Council at the meeting in December. It is understood from the meeting that Council felt an awning to the north west corner of Building C would be appropriate. This has been incorporated on the amended plans.</p>
<p>8. Landscape treatment along Foreshore Park. – As there is a significant interface between the ground level terrace in front of the retail (likely food and beverage focus) and the Foreshore Park beyond the site boundary that will be dedicated to Council, the opportunity for integration of children's play elements in some areas should be considered. This could be in the form of interactive play sculptures that would allow supervision by parents while dining nearby in a scaled down version of Darling Quarter.</p>	<p>We are concerned with the provision of play equipment on the B4 portion of the site due to the public liability issues that may arise. We would have no objection to the provision of children's play equipment on the future public land within the RE1 zone. Given that this land will be owned by Council we are more than willing to work with Council to achieve their objectives for the foreshore.</p>

Planning Comment

In response to the above submission by the applicant, Council provides the following:

- 1 Building Separation – This is discussed later in the report.
- 2 FSR – As previously stated, a Clause 4.6 Variation Statement was submitted. The departure to the FSR is discussed elsewhere in this report.
- 3 Height – With relation in particular to the floor to ceiling heights, a condition will be imposed on the consent requiring amended plans to be submitted prior to the issue of the Construction Certificate demonstrating that the floor to ceiling heights are a minimum 2.7 metres for the residential component of the development and 3.3 metres to the non-residential uses on the ground floor.
- 4 Deep Soil and the eastern pedestrian link – Amended plans have been submitted demonstrating an increase in deep soil areas and an increase in the width of the pedestrian link to 4 metres.
- 5 River Road West Street activation – It is considered that the non-residential uses proposed on the ground floor have the potential to activate the River Road West frontage. The level of activation will be dependent on the uses located in these premises which will be subject to further approval.
- 6 Podium between Buildings A and B and west cross pedestrian link – The amended plans to the west cross pedestrian link are considered to respond appropriately to the concerns of DEAP as a connection with the retail premises along the foreshore is established.
- 7 Black C treatment at ground – The modifications to the treatment of the buildings are considered to be appropriate to maintain visual interest and improve architectural expression.
- 8 Landscape Treatment along foreshore park- The foreshore area is to be dedicated to Council as per the VPA and as such, the treatment of this

foreshore area is as per the VPA. Upon dedication, any provisions for children's play equipment will be considered by Council.

Accordingly, it is considered that the amended plans satisfactorily address the majority of concerns raised by DEAP. Compliance with SEPP 65 and the RFDC is discussed later in this report.

PUBLIC CONSULTATION

In accordance with Council's notification procedures that are contained in Appendix 5 of DCP 2011, the proposal was advertised in the local paper and a sign placed on the site with owners and occupiers of surrounding properties given notice of the application for a 21 day period between 14 November 2013 and 14 December 2013. In response, 3 submissions were received. The submissions were received from the following addresses:

- 16 Sedgman Avenue, Mittagong
- 224 George Street, Parramatta
- 70 Alice Street, Rosehill (Sydney Living Museums – Historic Houses Trust)

The concerns raised within the submissions are addressed below.

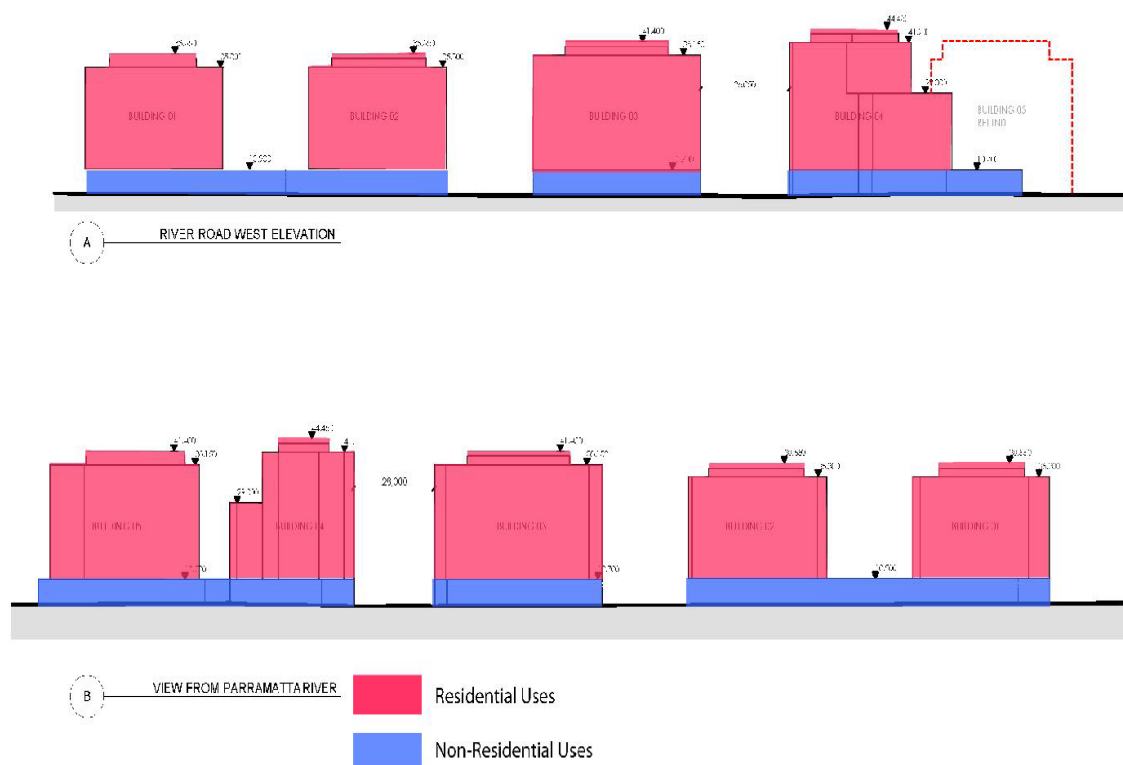
Views and Sightlines

Concern is raised that the development will reduce sightlines from Elizabeth Farm and other iconic sites.

The planning proposal that permitted the rezoning and consequently, the amendments to the building controls for the site, considered the impacts of a multi storey mixed use development.

In correspondence attached with the planning proposal, the advice from the heritage branch of the Department of Planning was that it would not consider any development with a height of 14 storeys to be acceptable as this would compromise historic view corridors from Elizabeth Farm.

As such, the planning proposal provided the following indicative building envelopes.



The above illustration was prepared and submitted with the planning proposal to the Department and provides an indicative form of development envisaged for the site and subsequently, the accepted and endorsed development controls by the Department of Planning. The illustration shows a maximum of 12 storeys for developments on the subject site with a maximum height of 37 metres.

Accordingly, the proposal was designed with a maximum 12 storeys (maximum 38 metres – including the lift overrun) and with appropriate building separation. In this regard, the proposal has considered the impacts of the development on view corridors and by proposing 12 storeys and adequate building separation has mitigated adverse impacts of the development on sightlines to and from Elizabeth Farm. This is further supported by the submission of a detailed view analysis which demonstrates that the development, due to the mature vegetation and the topography of Elizabeth Farm and its curtilage, is unlikely to result in significant impacts to historic view corridors.

The proposal would adversely and dramatically impact the visual curtilage of the surrounding area.

The proposal has been designed in accordance with the planning controls endorsed by Council and the Department of Planning. In this regard, it is considered that the impacts of the development on the visual curtilage of the surrounding area are acceptable.

Health of the river bank

Concern is raised that the development will result in adverse impacts on the banks of the river.

Pursuant to the VPA endorsed by Council, the consent holder is to conduct Flora and Fauna investigations by suitably qualified professionals to determine whether the site contains any threatened or endangered species. These studies are to be conducted prior to the commencement of any site disturbance. A condition of consent will be incorporated in the consent to reflect this. Additionally, standard conditions of consent and the submitted erosion and sediment control plan are recommended for inclusion in the consent to ensure that the banks of the river are not adversely impacted by the development. Given the above it is considered that the banks of the river will be enhanced as part of the development with public access returned to this portion of the riverbank.

Overlooking

Concern is raised that the development will result in adverse overlooking impacts to adjoining sites.

The development is of an acceptable height and bulk to ensure that overlooking to adjoining sites is limited. The development also provides building separation to neighbouring sites to reduce any significant overlooking impacts.

It is noted that the closest residential premises to the site is opposite Alfred Street which is approximately 30 metres from the development. Notwithstanding, the subject site is zoned B4 Mixed Use and permits a development height of 37 metres. As such, any overlooking impacts to adjoining properties upon the development of the site are considered to be acceptable.

Traffic and Parking

The development will have adverse impacts on local traffic.

A Traffic Impact Assessment Report was submitted to Council which assessed the capacity of the surrounding road network including James Ruse Drive, Hassall Street, Alfred Street, River Road West, Arthur Street, George Street and Noeller Parade. The Report measured the capacity of the existing road network to support the increase in vehicle trips as a result of the proposal with a focus on the intersections of James Ruse Drive, Hassall Street and Grand Avenue and the junction of James Ruse Drive and River Road West. The intersection analysis concluded that the aforementioned intersections have the capacity during peak hours to accommodate the increase in vehicle trips from the proposed development.

Accordingly, there will be no undue impacts of traffic on the surrounding local road networks. It is noted that this conclusion was supported by Council's Traffic Engineer and that the RMS did not raise an objection to the proposal on the ground of unacceptable traffic generation.

Concern is raised that the development will reduce safety for pedestrians and vehicles alike.

The development has been designed to ensure that there are appropriate sight lines for vehicles and pedestrians exiting and entering the site. Convex mirrors and an appropriate driveway width will assist egress and ingress to the basement to be executed safely. The proposal was also reviewed by Council's Traffic Engineer whom did not raise any objections with regards to the safety of pedestrians and vehicles. In this regard, the proposal is considered to be satisfactory.

The development will increase the demand for on-street parking which is currently lacking.

It is acknowledged that there is a shortfall in on-site parking. However, Council's Traffic Engineer has concluded that the proposal is acceptable for the following reasons:

- The proposal is the first mixed use development in the area and that its construction would allow the activation of this precinct.
- The development of the site
- The subject site is located within walking distance to the Parramatta CBD, UWS and public transport which supports a lower parking rate or a departure in the parking controls.
- Other precincts (ie Harris Park and Granville) within the Parramatta LGA permits reduced parking rates to encourage public transport usage and that it is within proximity to Parramatta CBD.
- The development site is restricted in that a portion of the site adjacent to the foreshore will be dedicated to Council. As such, any potential for a larger basement to accommodate additional on-site parking spaces is limited.
- Compliance with the recommended conditions which includes provision of parking and bicycle spaces in accordance with the relevant standards, provision of written evidence offering the share car spaces to car share providers, provision of a separate entry driveway and exit driveway, provision of speed control devices and a security card reader.

Bulk and Scale

The proposed development at 43 metres would result in a visually dominant structure particularly from Elizabeth Farm.

The development is proposed with a maximum height of 38 metres including the lift overrun. The proposal has been designed with appropriate bulk and scale. A view analysis was submitted to support this and is considered to be acceptable. The development is permissible on the site and is generally compliant with the relevant Council controls and in this regard is considered to be a form of development envisaged by Council's instruments and that a development of this form is unlikely to result in any visual dominance from Elizabeth Farm.

Property Values

The development will reduce the property value of adjoining properties.

The proposal is generally compliant with the relevant controls and in this regard does not hinder development one adjoining sites that is compliant with the PLEP 2011 and PDCP 2011.

Amended Plan

Yes

Summary of amendments:

- Amended Erosion and Sediment Plan
- Amended Alignment Plan
- Provision of a through site link with the entry lobby to Building B.
- Amended the awning (on the ground floor) addressing the foreshore. It is now contained wholly within the B4 zoned land.
- Increased the width of the eastern through site link to 4 metres with increased landscaping and deep soil areas.
- Reduction of 6 parking spaces on basement level 1.
- Amended roof and architectural plans to improve the integration of the lift overrun (Building C only) with the roof design which resulted in an increase in the balcony areas for Units C1202 and C1203 (from 12m² to 24m²) and reduced overall floor area by 24m². However, as the reduction in floor area is minor, the FSR of the development is retained. It is noted that the proposed overall development height of Building C.

In accordance with clause 5.5.9 of Council's notification procedures entitled "*Notifications of Amended Development Applications Where The Development Is Substantially Unchanged*" 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. As the site is currently being used as a warehouse and detailing facility for new motor vehicles, a Stage 2 Environmental Site Assessment was submitted with the application. There is also an abandoned Underground Storage Tank located on the western part of the site along with an above ground oil storage tank on the eastern part of the site.

The Stage 2 Environmental Site Assessment detailed the investigation undertaken to ascertain the contamination status of the site and the suitability of the site for the proposed mixed use development.

The investigation included a soil sampling analysis which found the following:

Results of the sampling and analysis of soils from ten (10) preliminary borehole locations (BH1 – BH10) drilled at accessible locations across the site indicated that except for copper (8,670mg/kg), C₁₀-C₃₆ total petroleum hydrocarbon (TPH 3,480mg/kg), total polycyclic aromatic hydrocarbon (PAH 98.2mg/kg), benzo(a)pyrene (15.5mg/kg) and amosite/chrysotile asbestos concentrations in BH9-1 (0-0.15m BGL) as well as the presence of amosite asbestos fibres in BH6-1 (0.15-0.2m BGL), no other elevated levels of the tested contaminants, including asbestos, were detected. All other analytical results were within the relevant criteria.

Analysis of groundwater collected from a total of two (2) monitoring wells located at BH1 and BH10 situated at the western and south-eastern parts of the site indicated that no elevated levels of screen contaminants were detected and were below the relative criteria.

Based on the results for leachable metal and PAH testing, derived using the Toxicity Characteristics Leaching Procedure (TCLP), the soil in the vicinity of BH9 (north-eastern corner of the site) was expected to be classified as *Restricted Solid Waste* under the DECC (2009) Waste Classification Guidelines, due to the elevated level of benzo(a)pyrene. In addition, the ashy fill in the vicinity of BH6 0.14-0.5m BGL (centre-southern part of the site) was classified as Asbestos Contaminated (Solid) Waste. All other fill materials to at least to 1.55m BGL were expected to be classified as General Solid Waste (Non-Putrescible).

Notwithstanding the above findings, the site could be made suitable for the proposed development provided the following recommendations were undertaken:

- The removal of the UST and the electrical substation.
- Additional soil investigation works at inaccessible areas of the site after building demolition such as the area of the UST and the electrical substation.
- All waste materials designated for off-site disposal must be removed to appropriate landfill facilities by a suitably qualified contractor in accordance with the DECC (2009) Waste Classification Guidelines. The disposal of site soils will be assisted by TCLP testing of representative samples to ensure the least stringent waste classification.

It is noted that due to the findings of the report, that a Remedial Action Plan was also submitted. Consequently, both the Stage 2 Environmental Site Assessment and the Remedial Action Plan were reviewed by Council's Health (Contamination) Officer and upon review raised no objections to the proposal subject to conditions of consent. In particular, a condition requiring the presence of a Site Auditor during works to monitor for further potential contamination of the site.

Further, pursuant to the VPA for the site, the foreshore area and through site link to be dedicated to Council will also be remediated prior to dedication.

Given the above, proposed mixed use development is appropriate for the site.

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

The application has been accompanied by a BASIX certificate that lists commitments by the applicant as to the manner in which the development will be carried out. The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. Nonetheless, a condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

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

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

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

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

The site is within the Sydney Harbour Catchment and eventually drains into the Harbour. The site is adjacent to Parramatta River and accordingly the objectives of this policy are applicable. The relevant principle in relation to the proposal is as follows:

- (a) *development should protect, maintain and enhance the natural assets and unique environmental qualities of Sydney Harbour and its islands and foreshores,*

The proposal has been designed so that the northern portion of the site (adjacent to the river) is to be reserved for the purposes of a recreational area and to maintain and enhance the environmental qualities of the waterway. The riparian zone is to be dedicated to Council as per the VPA. The development footprint is also provided with ample setbacks from the river corridor to ensure the protection of the natural features of the river.

Additionally, standard conditions of consent will ensure that soil impurities and urban runoff as a result of works related to the development do not contaminate the waterway. The proposal was also reviewed by the Office of Water with regards to impacts of the development on Parramatta River. Upon review of the proposal, the Office of Water raised no objections and issued their General Terms of Approval. This will be incorporated in the consent to ensure the waterway is further protected from any undue impacts of the development. In this regard, the development is consistent with the controls contained within the deemed SEPP.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

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

The application is subject to clause 45 of the SEPP as the development proposes works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority.

A referral was sent to Endeavour Energy on 4 November 2013. To date, no response has been received with regards to the proposal. Given that more than 21 days have lapsed since the application was referred to Endeavour Energy, Council assumes that the energy provider does not wish to provide comment on 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 both River Road West and Alfred Street is less than 40,000 vehicles.

STATE ENVIRONMENTAL PLANNING POLICY (URBAN RENEWAL) 2010

On 15 December 2010, the NSW Government published the Urban Renewal State Environmental Planning Policy (SEPP). The Urban Renewal SEPP outlines the necessary criteria and steps for identifying an existing urban precinct as a potential candidate for renewal and revitalisation. The first three precincts identified under the SEPP are Redfern-Waterloo, Granville town centre (that includes parts of Harris Park, Parramatta and Rosehill as well) and the Newcastle CBD.

The key principle of the SEPP is to integrate land use planning with existing or planned infrastructure to create revitalised local communities, greater access to public transport and a broader range of housing and employment options. This is also sometimes referred to as transit oriented development.

The site is not identified as being within a precinct currently identified as being a candidate for renewal and revitalisation. Given this the provisions of the SEPP do not apply. It is however noted that this development will assist in renewing and revitalising the immediate precinct.

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

SEPP 65 applies to the development as the building exceeds 3 storeys in height. As discussed in the referral section of the report, the application was considered by Council's Design Excellence Advisory Panel who considered SEPP 65 and provided commences respectively.

A design statement addressing the 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. Council's assessing officer's comments in relation to the submission is outlined below.

Context

Generally, 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. This DA meets the requirements of the LEP in terms of height, as well as being a permissible land use. The context of the building is appropriate for its location

Scale

Despite the variation to the FSR, the scale of the building in itself is considered suitable within its locality, particularly given its location along the foreshore and within the periphery of the Parramatta CBD.

Built form

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

Density

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

Resource, energy and water efficiency

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

It is noted that the application was also submitted with an Environmentally Sustainable Development Report which provides a summation of the design measures adopted by the proposal to ensure that the development is environmentally sustainable. These measures include:

- Window glazing
- Appropriate construction materials
- Room orientation and shading.
- Use of operable windows and sliding doors
- Provision of each unit of a reverse cycle air conditioner
- Provision of mechanical ventilation for the garbage rooms, plant rooms, car park, kitchens, bathrooms and laundry areas.

- Use of compact fluorescent, fluorescent and LED lighting.
- Use of motions sensors to operate lighting.
- Use of central gas fired hot water system

The ESD report will be incorporated in the consent to ensure compliance.

Landscape

A landscape plan was submitted with the proposal. Council's Landscape Officer and Open Space and Natural Area Planner require amendments to the Landscape Plan. These amendments are reflected in the conditions of consent. Upon changes to the Landscape Plan, the landscape plan options would be considered adequate. The ground level perimeter, foreshore, through site link and podium landscaping will provide suitable visual amenity for the future building's occupants and visitors.

Amenity

Generally, the proposal as amended 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.

Safety and security

The proposal is considered to be satisfactory in terms of future residential occupants overlooking public and communal spaces while maintaining internal privacy and ensuring that the ground floor tenancies are located at the street boundary. Whilst the building architecturally addresses the street and activates the frontage visually, the future uses of the ground floor will determine the degree to which activation occurs in a more physical sense.

A Security Design and Management Report was submitted with the application which provided an assessment of the safety security measures applied to the development in accordance with CEPTD principles. The report concluded the following:

"...the development reflects a 'welcoming and safe place' approach by incorporating CPTED principles into DA design documentation; that is, applying aspects of architecture, engineering and technology to promote best-practice crime prevention solutions for each level's residential footprint, the retail space, basement vehicle parking and public domain"

Social dimensions

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

Aesthetics

The proposed development is considered to be 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 in an appropriate manner to the desired future character of the area.

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

RESIDENTIAL FLAT DESIGN CODE

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys)	Minimum separation – 24 metres.	Yes
Storage	1 bedroom 6m ³ 2 bedroom 8m ³ 3 bedroom 10m ³	Storage areas are located within both levels of basement. However, these storage areas are not assigned to specific units. . Accordingly, a condition is recommended requiring amended plans be submitted to the PCA demonstrating individual storage areas assigned to specific units.	No, but acceptable
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All apartments have balconies with a minimum depth of 2m.	Yes
Residential Ceiling heights	Minimum 2.7m	Minimum 2.7m	Yes
Min. Apartment size	1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	1 bedroom – Min. 55m ² 2 bedroom – Min. 78m ² 3 bedroom – Min 106m ² SOHO – Min. 80m ²	Yes
Open Space	The area of communal open space should be between 25-30% of the site area	310.75m ² provided at podium level and 431.166m ² along the eastern portion of the site. The total communal open space	No, but acceptable.

	(25%=1915.25m ²).	area = 741.916m ² (9.6% of the site).	
<p><u>Planning Comment:</u></p> <p>Whilst the applicant considers the development as providing 3,103m² of communal open space, a large portion of this area includes the retail terrace area, the through site pedestrian link and various pockets of pedestrian access areas located along the River Road West frontage.</p> <p>The intention of this requirement is to provide the occupants of the development exclusive use of a location within the site to undertake various outdoor activities. As such, while the retail terrace areas, the through site link and pockets of pedestrian access areas allow for 'communal' gathering, these areas are accessible to the public and are not for the exclusive use of the occupants of the development.</p> <p>Notwithstanding, the amount of communal open space at the podium level and to the eastern portion of the development are considered to be acceptable. Due to the foreshore and pedestrian link dedications, the capacity of the development site to provide the minimum amount of communal open space is limited. However, as the development is providing a public benefit through the dedication of these spaces, the departure from this requirement is acceptable.</p>			
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone (Min required = 478.81m ²)	Provided = 645m ² (33% of the <u>required</u> communal open space area).	Yes
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	A maximum of 6 apartments are accessed per core.	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	203 of the 287 units (70%) will receive the minimum 3 hours of solar access during the winter solstice.	Yes
Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total	Units with single aspects generally address the north. And if the unit addresses the SW or SE, these units are provided with 2 aspects.	Yes

	units		
Natural ventilation	60% of units should be naturally cross ventilated	More than 60% of the development can be cross ventilated.	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation The back of a kitchen should be no more than 8m from a window	All the units have designed kitchens no more than 8 metres from a window.	Yes

PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011

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

COMPLIANCE TABLE		
Development standard	Yes/No	Compliance
Land Use Table – B4 Mixed Use and RE1 Public Recreation Zone	Yes	<p>Mixed Use developments are permissible in the B4 Mixed Use zone.</p> <p>It is noted that no part of the proposed mixed use development is located on the RE1 Public Recreation Zone area.</p> <p>The works located on the RE1 Public Recreation area are considered to be ancillary works to a future 'recreation area' (post dedication of the foreshore area to Council) and is therefore permissible in this zone.</p>

<p>4.3 Height of Buildings</p> <p>Does the building exceed the maximum building height shown for the land on the Height of Buildings Map?</p>	<p>Yes</p>	<p>The Height of buildings Map indicates that buildings on this site can be a maximum height of 37m above existing natural ground level.</p> <p>The development has a maximum height of 36.5 metres.</p> <p>The development however, provides a lift overrun that result in Building C encroaching on the maximum height of 37 metres for the site at proposed overall height of 38 metres. Despite this, the lift overrun is considered to be an architectural roof feature and is discussed in detail later in this report.</p>
<p>4.4 Floor Space Ratio</p> <p>Does the development exceed the maximum floor space ratio shown for the land on the Floor Space Ratio Map?</p> <p>Maximum FSR permitted = 3.4:1</p>	<p>No</p>	<p>Total Floor Area = 26789.42m² Site Area = 7661m² FSR = 3.49:1</p> <p>A Clause 4.6 variation statement has been submitted to support the departure.</p> <p>The applicant claims that the departure totals to 455m². However, this variation due to the inclusion of the garbage areas to the total floor area (which were not considered by the applicant), provides a total departure of 742.54m² (2.8% variation).</p>
<p>4.5 Calculation of floor space ratio</p> <p>Has floor space be calculated in accordance with the following definition?</p> <p>Has the floor space ratio included the gross floor area of any existing building in accordance with the requirements of clause 4.5.8?</p>	<p>Yes</p> <p>Yes</p>	<p>The floor space ratio for the development has been calculated in accordance with the definition of gross floor area contained in the dictionary to PLEP 2011.</p> <p>The existing buildings on the site are to be demolished to facilitate this development.</p>

<p>4.5 Calculation of site area</p> <p>Has the site area been calculated in accordance with requirements of clauses 4.5.3 to 4.5.6?</p>	Yes	<p>The site area used to calculate FSR is consistent with the requirements of clauses 4.5.3 to 4.5.6 of the LEP.</p> <p>It is noted that this provision does not exclude the land area where the pedestrian through site link is to be located from the calculation of site area.</p>
<p>4.6 Exceptions to development standards.</p> <p><i>(Note: should a development standard be exceeded by greater than 10% then the application is required to be determined at a Council meeting)</i></p>	Yes	<p>The application seeks approval to vary Clause 4.4 – Floor Space Ratio.</p> <p>Refer to discussion below.</p>
<p>5.1 and 5.1A Development on land intended to be acquired for public purposes</p> <p>Is any portion of the land identified for acquisition for local road widening on the Land Reservation Acquisition Map?</p>	N/A	<p>The site is not identified on this map.</p>
<p>5.3 Development near zone boundaries</p>	N/A	<p>Whilst the site adjoins another zoning to the north, this provision is not applicable where the adjoining zoning is zoned RE1 Public Recreational.</p>

<p>5.6 Architectural roof features</p> <p>Does an architectural roof feature result in a building exceeding the maximum building height for the site outlined in clause 4.3?</p> <p>If yes does the roof feature satisfy clause 5.6.3?</p>	<p>Yes</p>	<p>The development proposes a lift overrun for Building C that exceeds the maximum height for the development on the site being 37 metres.</p> <p>As a result of the lift overrun on Building C, the overall height of this portion of the development is 38 metres.</p> <p>However, the lift overrun is considered to be an architectural roof feature for the following reasons:</p> <ul style="list-style-type: none"> - Is not an advertising structure - Is located on the uppermost portion of the building - Does not include floor space and is not reasonably capable of modification to include floor area - The amended roof plan illustrates that the lift overrun is appropriately integrated with the roof design. - The lift overrun is designed so that it is architecturally integrated in the facade and roof of Building C. This is achieved by mirroring the location of the lift overrun of Building A and B. In this regard, the lift overrun is viewed as a common theme throughout the 3 towers which allows for the perception of the 3 towers as a collective and part of one development. However, due to the use of different materials, maintains some individuality. - The lift overrun is for the purposes of servicing the development and is sufficiently integrated in the design of the roof.
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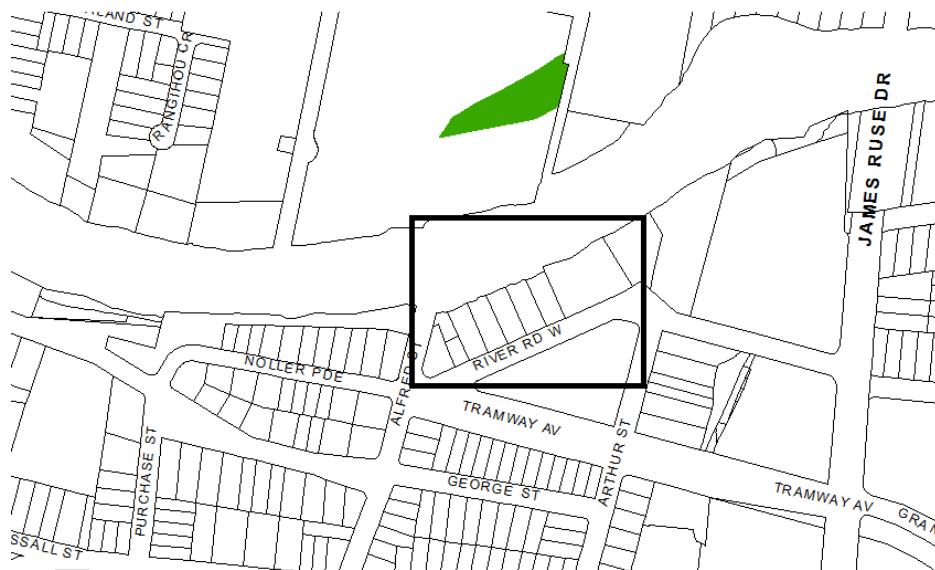
<p>5.7 Development below mean high water mark.</p> <p>Is any portion of the development proposed to be carried out below the mean high water mark?</p>	N/A	<p>The proposal is not for the development of land that is covered by tidal waters.</p> <p>The development provides ample setbacks from the river corridor and therefore locates works away from the mean high water mark.</p>
5.9 Preservation of trees.	Yes	See previous discussion on tree removal in the referral section of this report.
<p>5.10 Heritage Conservation</p> <p>Does the site contain or is it near a heritage item?</p>	Yes	<p>According to the Heritage Item and heritage conservation maps the subject site is not a heritage item but contains a heritage listed wetlands. The site is also located within the Area of National Significance.</p> <p>Refer to PDCP section for assessment against controls for the Area of National Significance and the Referral section for further discussion with regards to the wetlands.</p>
<p>5.10.8 Aboriginal Places of Heritage significance</p> <p>What is the identified Aboriginal significance of the site?</p>	Yes	<p>The site is identified as being of low significance by Council's Aboriginal Heritage Sensitivity Database.</p> <p>Accordingly the proposal is not considered to impact an aboriginal place of heritage significance.</p>

<p>6.1 Acid sulfate soils</p> <p>What class of Acid Sulfate Soil does the Acid Sulfates soil Map indicate the site contains?</p> <p>Is an Acid Sulfate Soils Management Plan Required?</p> <p>Does the submitted plan satisfy the requirements of Clause 6.1 that requires a management plan unless the submitted report indicates that the works are not likely to lower the water table?</p>	<p>Yes</p>	<p>The site is identified as containing class 4 Acid Sulfate Soil. In accordance with the LEP table a Preliminary Acid Sulfate Soils Management plan is required to be prepared.</p> <p>A Preliminary Acid Sulfate Soils Management Plan was submitted with the application.</p> <p>The management plan concluded that “...<i>the potential for generation of Acid Sulfate Soils conditions were high for works involving soil disturbance from approximately 2 metres below Ground Level and that the preparation of a corresponding Acid Sulfate Soil management plan was warranted prior to commencement of such works</i>”.</p> <p>Despite the above, a Geotechnical Report was submitted which states that due to the excavation works to facilitate the basement, the ground water table would require temporary lowering. Measures such as internal construction dewatering and that the basement be designed as ‘tanked’ will reduce impacts to adjoining development. These measures also ensure that permanent dewatering is avoided. The report further states that following the cessation of the dewatering, the water table in proximity to the site is expected to return to its previous levels prior to the dewatering and basement construction.</p> <p>Accordingly, the recommendations provided by the management plan and the submission of a full Acid Sulfate Management Plan to be submitted to the PCA prior to the commencement of works will be incorporated in the consent to ensure the proper treatment of acid sulfate soils.</p>
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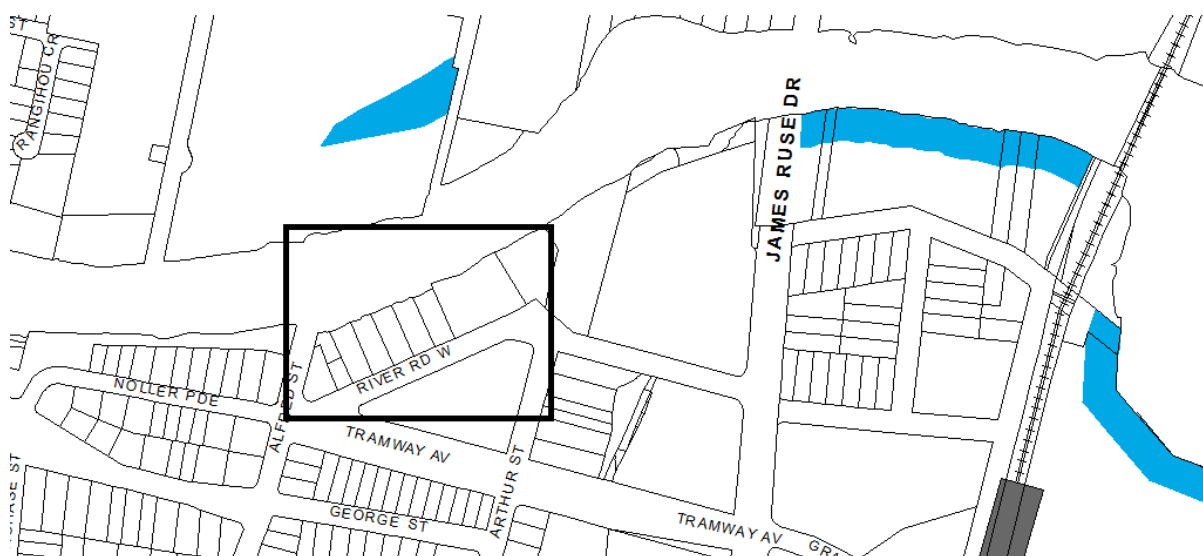
<p>6.2 Earthworks</p> <p>Are the earthworks associated with the development appropriate?</p>	Yes	<p>Council's Development Engineer has reviewed the application and considers that the proposed earthworks are satisfactory.</p> <p>A Geotechnical report was also submitted detailing excavation conditions, subgrade preparations, suitable foundations and founding levels, allowable bearing pressure, shoring and dewatering requirements. The report will be included in the consent to ensure that the works associated with the development are consistent with the recommendations of the report.</p>
<p>6.3 Flood planning</p> <p>Is the site floodprone?</p>	Yes	<p>The site is identified by Council as being floodprone. The site is affected by the 1 in 20 year, 1 in 100 year ARI floods and the Probable Maximum Flood (PMF).</p> <p>The proposal was designed to consider the relevant flood levels. Upon review of the plans, Council's Catchment Engineer and Development Engineer raised no further objections subject to conditions of consent.</p>
<p>6.4 Biodiversity protection</p> <p>Is the site identified as containing biodiversity on the 'Natural Resources – Biodiversity Map'?</p>	N/A	<p>The site is not identified on this map.</p> <p>See diagram below.</p>
<p>6.5 Water protection</p> <p>Is the site identified as being riparian land on the 'Riparian Land and Waterways Map'?</p>	N/A	<p>The site is not identified on this map.</p> <p>See diagram below.</p>
<p>6.6 Development on landslide risk land</p> <p>Is the site identified as being landslide risk land on the 'Landslide Risk Map'?</p>	N/A	<p>The site is not identified on this map.</p>

<p>6.7 Affected by a Foreshore Building Line</p>	<p>Yes</p>	<p>The development is contained wholly within the area zoned B4 Mixed Use which is located 6 metres from the foreshore. As a result of the foreshore building line, pursuant to the VPA, the portion of the site affected by the foreshore building line will be dedicated to Council.</p> <p>The development application also however, seeks approval for the creation of a 3 metre wide shared bicycle/pedestrian path, landscape works and outdoor furniture which is permissible works under this clause.</p> <p>The aforementioned works will not cause environmental harm such as pollution or siltation of the waterway as conditions will be imposed on the consent requiring adequate erosion and sediment control measures during works and that the relevant environmental studies with regards to native flora and fauna will be conducted pursuant to the requirements of the VPA.</p> <p>Also, see discussion under 'SREP (deemed SEPP) Sydney Harbour Catchment' section of this report.</p>
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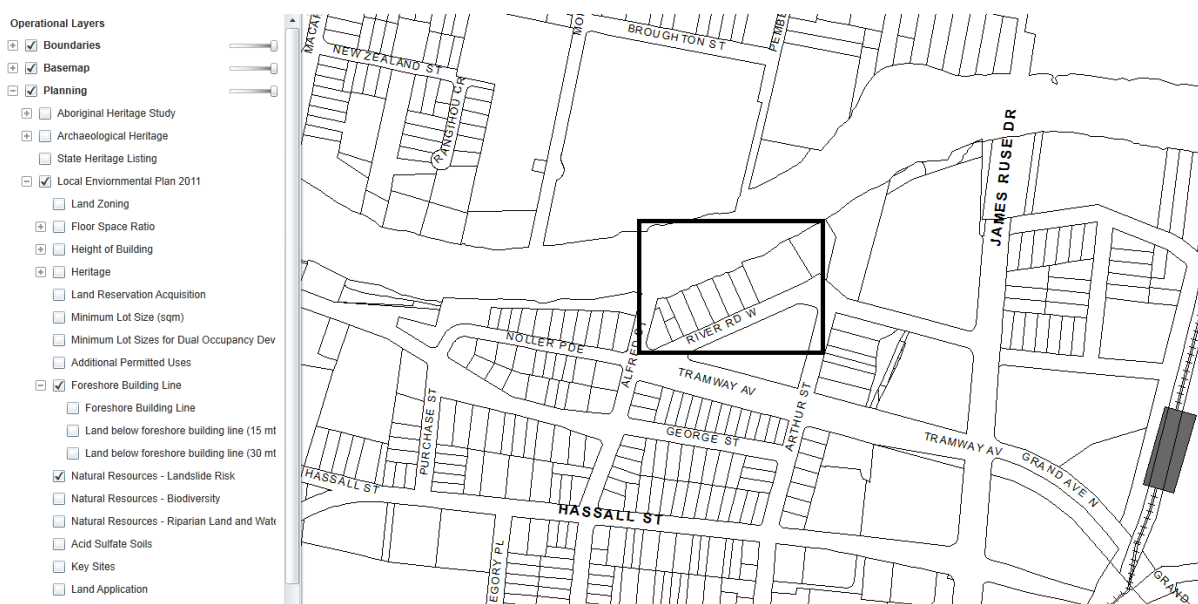
Clause 6.4 – Biodiversity



Clause 6.5 – Water Protection



Clause 6.6 – Development on Landslide Risk Land



4.6 Exceptions to development standards within LEP 2011

1. *The objectives of this clause are as follows:*
 - (a) *to provide an appropriate degree of flexibility in applying certain development standards to particular development,*
 - (b) *to achieve better outcomes for and from development by allowing flexibility in particular circumstances.*
2. *Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a*

development standard that is expressly excluded from the operation of this clause.

3. *Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:*

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

4. *Development consent must not be granted for development that contravenes a development standard unless:*

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) the concurrence of the Director-General has been obtained.

A request for an exception under clause 4.6 was lodged with the application as the proposed development exceeds the maximum FSR for the site in accordance with Clause 4.4 – FSR of PLEP 2011. The works increase the FSR of the development to 3.49:1 and equates to a 2.8% (742.54m²) variation on the standard. This exception is considered to warrant Council's support and is discussed in further detail within this report.

The applicant has provided the following justification for the non-compliance with the development standard:

The proposed floor space of 26,502.18m² exceeds the maximum permitted GFA of 26,047m² by 455m². As noted above, the variation to the FSR has come about due to a discrepancy with the measurement of GFA under the definition in the LEP. Areas such as service areas and fire stairs were not considered to be counted as GFA under the definition in the LEP.

However Council have advised that these areas in addition to ground level garbage facilities are to be counted accordingly resulting in a minor variation to the FSR control. The areas that contribute to the additional FSR are service areas predominantly on the ground level and associated with the retail space. These areas do not increase the density of the development.

The heights of the buildings comply with the LEP maximum height controls and this ensures that the built form is consistent with the emerging precinct along the Parramatta Riverfront.

In respect of the building form, the additional 455m² will not be noticeable given that these areas are primarily central within the building envelope. The minor variation will not be noticeable from the Parramatta River or along River Road West as the height of the buildings complies and the proposed setbacks and separation between the buildings meets the numerical and objectives of the RFDC.

The proposed orientation of the buildings will provide a defined edge to both River Road West and the future public open space along the Parramatta Riverfront to the north without overwhelming this public space with bulk and scale resulting in a better urban design outcome.

The flexible application of the floor space ratio controls are therefore considered appropriate on this site.

For the reasons discussed above and below, a variation of the floor space ratio control is acceptable and reasonable and the objectives of Clause 4.6 are satisfied in this instance.

Clause 4.6(2)

Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

Comment

Clause 4.4 of the PLEP 2011 is considered to be a development standard in accordance with the Act. It has not been excluded from the operation of this Clause or any other policy.

Clause 4.6(3)

Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating:

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

Comment

Compliance with the development standard Clause 4.4 Floor Space Ratio is unreasonable or unnecessary for the following reasons:

- The development meets the objectives of the zone as demonstrated in the following section of this report;
- The height of the development is compliant with the maximum height permitted under Clause 4.3 of the PLEP 2011 and the setbacks proposed achieve appropriate separation between the buildings to ensure adequate levels of solar access, views and privacy are maintained;
- The architecturally designed building forms respect the surrounding area and have been designed to respond to the site characteristics and key matters relating to bulk and scale, overshadowing, view loss and ground level activation;
- The ground level permeability has been enhanced by the provision of two through site links including a 4m wide pedestrian path and landscaped area that is to be dedicated to Council;
- The building design ensures that the potential impact on view corridors is minimised as addressed in the SEE and View Analysis prepared to accompany this application;
- Overall, the combined foreshore area (to be dedicated to Council) and site area will provide 39.4% (4,001m²) landscaping with 22% (2,231m²) being deep soil planting. The development will provide a significant enhancement of the Parramatta River Foreshore compared with what currently exists improving the environmental, visual and useability of the space;
- The proposed retail and Soho Uses along the ground level of Buildings A and B will appropriately enhance and activate the public domain;
- The proximity to the Parramatta River, Parramatta CBD, transport services, shopping precincts and current and future public open space can support the proposed density within this location;
- The development, the land to be dedicated and embellished along the foreshore will provide a substantial public benefit; and
- Due to the quality of the building forms, the significant public benefits and activation of the foreshore, compliance with the standard is unreasonable.

Based on the justification above a variation to the development standard is reasonable in this instance.

Clause 4.6(4)

Development consent must not be granted for development that contravenes a development standard unless:

(a) the consent authority is satisfied that:

- (i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and*
- (ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and*

(b) the concurrence of the Director-General has been obtained.

Comment

This report is a written request to vary the FSR standard under Clause 4.4 of the PLEP 2011. The report has adequately demonstrated above 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 contravention of the standard.

The proposed development achieves the objectives of the zone and FSR standard as detailed below:

B4 Mixed Use Zone

The objectives of the B4 Mixed Uses Zone under the Parramatta LEP 2011 are as follows:

- To provide a mixture of compatible land uses.
- To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.
- To encourage development that contributes to an active, vibrant and sustainable neighbourhood

The proposed building achieves compliance with the zone objectives for the reasons outlined below:

- Residential and retail uses on this site are an appropriate type of development that is complimentary to the transitioning mixed use nature of the surrounding sites and existing residential uses to the west and non-residential uses to the south.
- The development will provide a mixture of uses compatible to adjoining residential and industrial uses.
- The development will significantly enhance the public domain along Parramatta River by allowing public access along a new and improved foreshore that will contain pedestrian, bike paths, seating and public artwork.
- Retail uses at ground level along the riverfront and adjacent to Alfred Street will activate the new public spaces that traverse through and around the subject site.
- The new pedestrian and bicycle pathway will encourage walking and cycling between the CBD and eastern gateway to the city.
- The new residential lobbies along River West Road will activate the street front with clear sightlines and separation from non-residential uses.
- The building designs will make a substantial contribution to the Parramatta River and will enhance the unique character of the area given the quality of architectural design.

The site is located within an area that has and is currently transitioning to provide a mixture of uses including greater residential development. The proposed development is consistent with the desired future area and current zoning under the Parramatta LEP 2011.

It is therefore considered that the development complies with the objectives of the B4 Mixed Use Zone.

Clause 4.4 - FSR

The objectives of Clause 22 FSR under Parramatta LEP 2011 are as follows:

- a) to regulate density of development and generation of vehicular and pedestrian traffic,*
- b) to provide a transition in built form and land use intensity within the area covered by this Plan,*
- c) to require the bulk and scale of future buildings to have regard to heritage sites and their settings,*
- d) to reinforce and respect the existing character and scale of low density residential areas.*

The proposed building achieves compliance with the FSR objectives for the reasons outlined below:

- The anticipated pedestrian and vehicular traffic expected with a development of this size is capable of being supported by the surrounding street and road network. The additional 455m² which comprise primarily service and garbage areas will not alter the traffic generation within the surrounding street network.
- The new public pedestrian footpath and bicycle path along the riverfront will encourage cycling and walking between the site and the CBD
- The height of the buildings complies with the LEP, resulting in a transition towards the adjoining property at 10-12 River Road West.
- The height of the podium between Block A and B is consistent with the DCP provisions and allows for modulation in building form.
- Generous 24m separation between the 3 buildings minimises the bulk and scale when viewed from the Parramatta River and River Road West and allows for historic views to be maintained across the site and to and from Elizabeth Farm. The historic views across the site from Elizabeth Farm will be maintained
- A 3 metre setback is proposed along Alfred Street. The setback combined with the street width of Alfred Street will provide adequate separation to the lower-scale residential area to the west. The future public domain works will enhance the connection with the adjoining areas and provided an appropriate transition.
- The through-site links will create more permeability through the site and create additional pedestrian options to traverse the site from River Road West to the future public foreshore adjacent to the Parramatta River.

It is therefore considered that the development complies with the objectives of the FSR development standard.

Clause 4.6(5)

In deciding whether to grant concurrence, the Director-General must consider:

- (a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and*
- (b) the public benefit of maintaining the development standard, and*
- (c) any other matters required to be taken into consideration by the Director-General before granting concurrence.*

Comment

The minor increased FSR on the site will not raise any matter of significance for a State or regional environmental planning. The increased FSR is reasonable on the allotment of land, for reasons discussed in detail above.

The proposed density is appropriate given the proximity to the CBD of Parramatta as well as proximity to public transport, shops and public open space.

The building will contain 287 residential units; this will assist in achieving housing targets for Parramatta, consistent with the Metropolitan Strategy.

The variation of the FSR control, although minor is necessary for the appropriate servicing of the development, in particular the ground level retail areas. Given the substantial public benefit that will result from this development application, there is no public benefit in maintaining compliance with the standard.

Clause 4.6(6)

Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if:

- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or*
- (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.*

Comment

The proposal does not seek to subdivide the land and therefore this Clause is not applicable.

Clause 4.6(7)

After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

Should consent be granted for a variation of Clause 4.4 FSR, the Council is required to advise the Department of Planning of such a variation, in which case the reasons outlined in this report are justified reasons for this variation and should form part of this record.

Clause 4.6(8)

This clause does not allow development consent to be granted for development that would contravene any of the following:

- (a) a development standard for complying development,*
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,*

(c) clause 5.4.

The proposed development is not complying development, will not affect any commitments set out in a BASIX certificate and is not affected by Clause 5.4 of the Parramatta LEP 2011. Therefore, this Clause is not applicable.

It is therefore requested that pursuant to Clause 4.6 of the Parramatta LEP 2011, that an exception be granted to compliance with Clause 4.4 *Floor Space Ratio*.

Assessment of the exception under clause 4.6:

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

1. Is the planning control a development standard?

Yes, Clause 4.4 - FSR of PLEP 2011 is a development standard.

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

The purpose of Clause 4.4 of PLEP 2011 is to ensure that the bulk and scale of the development is suitable in regards to the area of the site and the type of development proposed. Clause 4.6 specifically states the maximum FSR permitted for development on the subject site and ultimately ensures that the development is of an appropriate bulk and scale.

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 EPA Act?

Compliance with the development standard would be inconsistent with PLEP 2011 which aims to provide planning controls that will encourage a sustainable development, being development which satisfies the principles of ecological (environmental, economic and social) sustainability.

Enforcing compliance with the development standard will restrict a development that would otherwise be appropriate on the site. The site is capable of being developed without unduly impacting on adjoining properties which has been demonstrated through the building envelopes. The proposed works maintain general compliance with the majority of controls within Parramatta Development Control Plan 2011.

The non-compliance is considered to be acceptable representing a 2.8% (742.54m²) difference to the maximum FSR for the site. The plans show that the variation in the FSR does not in this case hinder compliance with solar access, views to and from the site and bulk and scale requirements of the Parramatta Development Control Plan 2011 for mixed use developments.

The proposed development responds to the site despite the non-compliance and does so without compromising relationships with adjoining

developments. Strict compliance with the development standards would render the application inconsistent with the objectives specified in section 5 (a) (i) and (ii) of the EPA Act as the site will remain under-developed and would not promote the economic welfare of the community and a better environment.

The objection to the development standard will ensure that the site is able to be developed and result in better management of the site as well economic enhancement for the community.

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

It is considered that it would be unreasonable to impose the maximum FSR given that the proposed development generally complies with the development requirements pertaining to mixed used buildings. It does so without adversely affecting adjoining properties in regards to solar access, acoustic impact and privacy whilst maintaining consistency with the development objectives of the zone.

Further, a departure from the standard in this case is considered to be acceptable for the following reasons:

- The error in the FSR calculations appear to be the inclusion of the service corridors and garbage areas located on the ground floor. Given this, the departure to the standard is not a result of additional units.
- The variation to the FSR does not hinder the proposal from complying with most of the requirements under the Residential Flat Design Code.
- The FSR for the site is calculated on the area post dedication of the foreshore. Given this, the FSR is calculated on a reduced area to provide a public benefit. However, if the FSR were to be calculated pre-dedication, the FSR would be compliant at 2.6:1.
- The development provides appropriate setbacks and deep soil areas to ensure adequate amenity to adjoining properties, occupants and users of the development and the foreshore.
- The floor area of the mixed use development is evenly distributed throughout the site and in 3 similarly designed towers with a podium to ensure that the perception of bulk and scale are minimised.
- Despite the variation to the FSR, the development given the larger site area will not result in an unreasonable bulk and scale, particularly as the development envisaged for the adjoining site at 10-12 River Road West is of a similar bulk and scale (12 storeys and FSR of 3.3:1).
- The variation to the FSR does not adversely impact the historic view corridors as the development provides appropriate building separation and is compliant with the maximum height controls for the site.
- The additional floor equates to 2.8% of the site which is considered to be minor given the large site area.

- The additional floor area will not unduly contribute to a significant increase in the traffic within the local area given that an appropriate number of car spaces are provided for the development and contained wholly within the basement.
- The additional floor area is contained wholly within the area zoned B4 Mixed Use. No part of the development occurs on the adjacent site to the north (or the foreshore area to be dedicated to Council) which is zoned RE1 Public Recreation.
- The departure to the standard does not obstruct the development from achieving the objectives of the B4 Mixed Use zone as it provides a form of development that integrates suitable retail and residential development in accessible locations whilst maximising public transport usage. The mixed use nature of the development also encourages an active and sustainable neighbourhood.

5. Is the exception well founded?

In *Wehbe v Pittwater Council* [2007] NSW LEC 827 Chief Justice Preston of the NSW Land and Environment Court provided further guidance to consent authorities as to how variations to the standards should be approached. Justice Preston expressed the view that there are 5 different circumstances in which an objection may be well founded:

1. The objectives of the standard are achieved notwithstanding non-compliance with the standard;
2. The underlying objective or purpose of the standard is not relevant to the development and therefore compliance is unnecessary;
3. The underlying object or purpose would be defeated or thwarted if compliance was required and therefore compliance is unreasonable;
4. The development standard has been virtually abandoned or destroyed by the Council's own actions in granting consents departing from the standard and hence compliance with the standard is unnecessary and unreasonable;
5. The zoning of the particular land is unreasonable or inappropriate so that a development standard appropriate for that zoning is also unreasonable and unnecessary as it applies to the land and compliance with the standard would be unreasonable or unnecessary. That is, the particular parcel of land should not have been included in the particular zone.

Given that the proposed mixed use development responds well to the site and do so without compromising relationships with adjoining developments, do not unduly compromise other relevant controls, and that the proposed development encourages ecologically sustainable development whilst providing a public benefit, the Clause 4.6 exception to the development standards to Clause 4.4 – FSR of PLEP 2011 is considered to be well founded.

Zone Objectives

The objectives of the B4 Mixed Use zone include:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*
- *To encourage development that contributes to an active, vibrant and sustainable neighbourhood.*

The proposed mixed use development is consistent with the aims and objectives of the B4 Mixed Use zoning applying to the land as the proposed works are suitably located, and are of a bulk and scale that maintains suitable amenity for adjoining sites.

It is noted that whilst a portion of the site is also zoned RE1 Public Recreation, the mixed use development is located wholly within the area that is zoned B4 Mixed Use.

The objectives of the RE1 Public Recreation zone include:

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

The works to be undertaken within the area zoned RE1 Public Recreation are consistent with the aims and objectives of the zone as it provides a range of recreational activities to enable the use of the foreshore as a public open space.

DEVELOPMENT CONTROL PLANS

PARRAMATTA DEVELOPMENT CONTROL PLAN 2011

Development Control	Proposal	Compliance
Site Considerations		
2.4.1 Views and Vistas Development is to preserve views of significant topographical features such as ridges and natural corridors, the urban skyline, landmark buildings, sites of historical significance and areas of high visibility, particularly those identified in	The site is identified as containing significant views and the development appropriately responds to this by: - The development complies with the maximum height for the site. - Provision of appropriate building separation and setbacks to preserve view corridors. - The development bulk is distributed evenly across the site and in the form of 3 similar towers to reduce the	Yes

Appendix 2 Views and Vistas. Refer also to Views and Vistas in the Harris Park Heritage Conservation Area in Part 4.	perception of bulk.	
<p>2.4.2.1 Flooding</p> <p>Is the site flood affected by local or mainstream flooding?</p> <p>If yes refer to section 2.4.2 of DCP 2011 for detailed controls.</p>	<p>The site is identified in Council database as being flood prone. The site is affected by the 1 in 20 year, 1 in 100 year ARI floods and PMF.</p> <p>The proposal was designed to consider the relevant flood levels. Upon review of the proposal, Council's Catchment Engineer and Development Engineer raised no further objections subject to conditions of consent.</p>	Yes
<p>2.4.2.2 Protection of Waterways</p> <p>Does the site adjoin a waterway?</p> <p>If yes does the proposed landscaping comprise of local indigenous species?</p>	<p>See discussion under 'SREP (deemed SEPP) Sydney Harbour Catchment' section of this report.</p> <p>The development was reviewed by Council's Open Space and Natural Area Planner. Upon review, it was considered that some species proposed on the Landscape Plan be replaced with indigenous species.</p> <p>Accordingly, an amended Landscape Plan is to be submitted to the PCA that reflects the changes to the plant species to be used.</p>	Yes
<p>2.4.2.3 Protection of Groundwater</p> <p>Is a basement carpark proposed?</p> <p>If yes does the site require dewatering to facilitate this?</p>	<p>A two level basement car parking is proposed. A Geotechnical Report was submitted to Council to ascertain the impact of the development on groundwater.</p> <p>Due to the required excavation works to accommodate the basement, the groundwater table requires lowering</p>	Yes

	<p>temporarily. To minimise any impacts to adjoining development and infrastructure, internal construction dewatering will be adopted. The report also stated that the basement structure be designed as “tanked” as permanent dewatering of the basement is not recommended.</p> <p>The report notes that following the cessation of the dewatering, the water table in proximity to the site is expected to return to its previous levels prior to the dewatering and basement construction.</p> <p>It is noted that the proposal and the construction of the basement were reviewed by Council’s Development Engineer whom did not raise any objections with regards to the dewatering of the basement subject to conditions of consent.</p>	
<p>2.4.3.1 Soil Management</p> <p>Are there adequate erosion control measures?</p>	<p>An erosion and sedimentation plan has been submitted with the application and conditions have been imposed to ensure that this development will minimise sedimentation of waterways and not unduly contribute to wind blown soil loss.</p>	<p>Yes</p>
2.4.3.2 Acid sulphate soils	Refer to LEP table above	
<p>2.4.3.3 Salinity</p> <p>Is the site identified as being of moderate or high salinity potential or of known salinity by the ‘Salinity Study Map for Western Sydney 2006’?</p>	<p>The landscaping is appropriate for the salinity hazard and appropriate conditions have been included in the recommended conditions to ensure that appropriate construction techniques are utilised to ensure the structural integrity of building work is not compromised.</p>	<p>Yes</p>
<p>2.4.4 Land Contamination</p> <p>Is the site identified as or likely to be contaminated?</p>		

<p>If yes have the requirements of SEPP 55 been satisfied?</p>	<p>The site is identified as being contaminated. See assessment under SEPP 55 for further discussion.</p>	<p>Yes</p>
<p>2.4.5 Air Quality</p> <p>Have appropriate controls been placed on the development to ensure that during demolition and construction that the development does not contribute to increased air pollution?</p>	<p>Standard conditions have been imposed to ensure that the potential for increased air pollution has been minimised.</p>	<p>Yes</p>
<p>2.4.6 Development on Sloping Land.</p> <p>Does the design of the development appropriately respond to the slope of the site?</p>	<p>The site falls from the front of the site to the foreshore. The development responds to the slope of the site by providing appropriate excavation to ensure an adequate building platform.</p> <p>The application was also submitted with an alignment plan to ensure that the levels on the site correspond with the levels on the public domain.</p> <p>Amended plans are to be submitted to Council prior to the issue of the Construction Certificate that ensures the transition of the development to foreshore are acceptable with a condition to be included in the consent requiring that the grades should not exceed 12.5%. Council's Civil Assets did not raise any objections with regards to the submitted alignment plan and the imposition of the aforementioned condition.</p>	<p>Yes</p>
<p>2.4.6 Biodiversity</p> <p>Is vegetation removal appropriate?</p> <p>Does the landscape plan incorporate indigenous planting listed in Appendix</p>	<p>Council's Tree Management and Landscape Officer have not raised concerns with regards to the Landscape Plan subject to conditions.</p> <p>The landscape plan submitted with the</p>	<p>Yes</p>

3? If the site contains or adjoins bushland is a Statement of Flora/Fauna Impact Required?	<p>application does not include provision for species nominated in Appendix 3 of the PDCP 2011. However, Council's Open Space and Natural Area Planner had considered that some species proposed on the Landscape Plan be replaced with indigenous species.</p> <p>Accordingly, an amended Landscape Plan is to be submitted to the PCA that reflects the changes to the plant species to be used.</p>	
<p>2.4.7.2 Development on land abutting the E2 Environmental Protection zone and W1 Natural Waterways zone</p> <p>Does the site adjoin land zoned E2 or W1?</p>	<p>The site does not adjoin land zoned E2 or W1.</p> <p>The river corridor to the north is zoned W2 Recreational Waterways.</p>	N/A
<p>2.4.7 Public Domain</p> <p>Does the building appropriately address the public domain?</p> <p>Does the development provide appropriate passive surveillance opportunities?</p> <p>Have appropriate public</p>	<p>The building has appropriate address to River Road West, Alfred Street and the foreshore with a distinguishable entry via a clear pedestrian pathway to ensure clear identification from the public domain. The proposal also provides retail and SOHO tenancies on the ground floor to activate and address the public domain.</p> <p>The location of the retail and SOHO tenancies on the ground floor allows increased passive surveillance of the pedestrian access areas, the public domain and the foreshore. Similarly, balconies and windows on the upper residential units also address River Road West, Alfred Street and the foreshore promoting natural surveillance from within the units to the front and foreshore setback and public domain.</p> <p>Standard conditions incorporated in the</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

domain enhancements including street tree planning, footpath construction or reconstruction been included as conditions of consent?	<p>consent requiring the payment of a bond to ensure that the nature strip is maintained and in the event that it is damaged due to the works associated with the proposal that Council be reimbursed for the damages.</p> <p>Also, in accordance with the VPA, a portion of the site (the foreshore area) will be dedicated to Council upon the completion of landscape works and the construction of a 3 metre wide pedestrian/bicycle footpath.</p>	
3. Preliminary Building Envelope		
Frontage Minimum 18m if the site has two street frontages	River Road West – 198.45 metres Alfred Street – 40.235 metres	Yes
Height Does the proposal exceed the Maximum height as shown on the Parramatta LEP 2011 Height of Buildings Map? – Does the proposal exceed the number of storeys outlined in the DCP height table?	<p>The Height of buildings Map indicates that buildings on this site can be a maximum height of 37m above existing natural ground level.</p> <p>The development has a maximum height of 36.5 metres (minus the lift overrun). See LEP table for further discussion.</p> <p>The DCP Height table indicates that buildings' on this site should be 11 storeys. The building(s) are part 11 storeys and 12 storeys.</p> <p>Notwithstanding, the plans submitted demonstrate that 12 storeys can be accommodated within a development with a maximum height of 36.5 metres. Further, the mixed use development complies with the floor to ceiling heights for all levels whilst maintaining an appropriate roof form for the development. In this regard, a part 11 and part 12 storey mixed use development is considered to be acceptable.</p>	<p>Yes</p> <p>No, but acceptable</p>

<p>Front Setback</p> <p>3 metres</p>	<p>5 metres (Alfred Street and River Road West) on the ground floor only. However, the setback to the Alfred Street setback is reduced to 3 metres from Level 1 upwards.</p> <p>It is noted that the proposal is also subject to the controls under Part 4 – Special Precinct (River Road West). These site specific controls supersede that of the controls contained in Part 3 of the PDCP 2011.</p> <p>Pursuant to Part 4 of PDCP 2011, the development is required to provide a secondary (Alfred Street) setback of 5 metres. The development is only compliant with this control on the ground level.</p> <p>Notwithstanding, the non-compliance to the control for secondary setbacks under Part 4 of the DCP is considered to be acceptable as the encroachments are minor and only pertain to balconies and a portion of a unit and only occurs within the upper levels of the development. The encroachment on the secondary street setback is appropriately treated and does not increase any adverse impacts to the perception of bulk and scale. Further, as the nearest residential property is located opposite Alfred Street, it is unlikely that the encroachment of the development on the secondary setback will result in unreasonable overlooking impacts.</p>	<p>No, but acceptable</p>
<p>Side Setback</p> <p>Dependent on amenity impacts on adjoining developments.</p>	<p>12 metres to development to the east.</p> <p>The development to the east is an industrial building and in this regard, the proposed 12 metre side setback to the boundary is considered to be acceptable.</p>	<p>Yes</p>

<p>Deep Soil zone and Landscaping</p> <p>Required to the rear setback if residential is proposed at ground floor.</p>	<p>SOHO style apartments are proposed on the ground floor.</p> <p>Accordingly, 645m² of deep soil zones are provided on the ground floor.</p>	<p>Yes</p>
<p>3.2. Building Elements</p>		
<p>3.2.1 Building Form and Massing</p> <p>Are the height, bulk and scale of the proposed building consistent with the building patterns in the street?</p>	<p>The bulk of the building is consistent with the desired future character of this portion of River Road West.</p> <p>It is considered that the proposed mixed use development subject to conditions of consent will not adversely impede on the existing streetscape as plans indicate satisfactory setbacks, deep soil zones and articulation. Thereby, reducing the bulk and scale of the development and as such, any adverse impacts on the amenity of the adjoining properties are appropriately mitigated.</p>	<p>Yes</p>
<p>3.2.2 Building Façade and Articulation</p> <p>Are the building facades modulated in plan and elevation and articulated to reduce the appearance of building bulk and to express the elements of the building's architecture?</p> <p>Does the building exceed the building envelope?</p> <p>If yes, by more than:</p> <ul style="list-style-type: none"> • 800mm for balconies and eaves: • 600mm for Juliet balconies and bay windows 	<p>The proposal provides appropriate setbacks and building separation to allow for building articulation resulting in a reduced perception of bulk and scale.</p> <p>The development is designed with multiple recesses to create articulation, improve solar access to the adjoining properties and to create some visual interest on the pedestrian level. Accordingly, there will be no unreasonable loss of amenity to adjacent properties.</p> <p>The application proposes balconies to the upper floors which address street frontages and the foreshore and do not project more than 800mm beyond the building envelope.</p>	<p>Yes</p> <p>Yes</p>

Are Multiple stair lift/cores provided to encourage multiple street entries?	<p>The proposal does not propose Juliet balconies or bay windows.</p> <p>Multiple entries are provided and are located on all elevations to encourage multiple street entries.</p>	Yes
<p>3.2.3 Roof Design</p> <p>Does that roof form minimise the bulk and scale of the building? Does the roof form respond to the local context, in particular scale and pitch?</p>	<p>The development incorporates a flat roof for all three towers which is not uncommon with the modern design for similar forms of development.</p> <p>The flat roof is sympathetic to the mostly flat roof designs of neighbouring industrial buildings on River Road West.</p>	Yes
<p>3.2.5 Streetscape</p> <p>Does the development respond to the existing character and urban context of the surrounding area in terms of setback, design, landscape and bulk and scale?</p> <p>Do Garages and parking structures dominate the building façade and front setback</p> <p>If the development adjoins a existing or desired pedestrian or vehicular laneway does the development provide opportunities to activate the space?</p>	<p>The existing character and urban context of the immediate neighbourhood is a mix of residential, reserves and industrial uses.</p> <p>As previously stated elsewhere in this report, the development is of an appropriate bulk and scale with adequate setbacks and landscaping. As such, the development is considered to be consistent with the Mixed Use zoning and future streetscape character of the area.</p> <p>Basement carpark is provided to minimise the impact of parking structures on the building façade and the front setback.</p> <p>The development provides a pedestrian through link. Accordingly, appropriate landscaping, retail tenancies, entries and balconies address the pedestrian link to activate the space.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>Are the mail boxes visually integrated within the built form?</p> <p>Are mail boxes located for convenient access by residents and deliverers?</p>	<p>The plans indicate that the mailboxes are to be located along the River Road frontage. Given its location on the ground floor, it is able to be conveniently accessed by residents and deliverers.</p>	<p>Yes</p>
<p>3.2.6 Fences</p> <p>Is the front fence a maximum height of 1.2metres?</p>	<p>A front fence is not proposed.</p>	<p>N/A</p>
<p>3.3 Environmental Amenity</p>		
<p>3.3.1 Landscaping</p> <p>Are Natural features on the site such as trees, rock outcrops, indigenous species and vegetation communities retained and incorporated into the design of the development?</p> <p>If the basement carpark extends beyond the building envelope is a minimum soil depth of 1m provided from the top of the slab?</p>	<p>The proposed Landscape Plan is to be amended as per the recommendations of Council's Landscape and Tree Management Officer. The amendments pertain to the details of the foreshore landscaping and will be required via a condition of consent.</p> <p>Refer to Referrals section of this report for further discussion.</p> <p>The basement encompasses the building footprint. Irrespective of this does not hinder the development from providing more than the required deep soil areas for mixed use developments pursuant to the RFDC.</p> <p>It is also noted that the provision of additional deep soil zones is limited due to the dedication of the foreshore area to Council.</p>	<p>Yes</p> <p>Yes</p>
<p>3.3.2 Private Open Space</p> <p>Is a minimum of 10m² of private open space with minimum dimensions of 2.5m?</p>	<p>Minimum - 9m² Maximum - 100m²</p> <p>Note: balcony areas where it did not meet the minimum dimension were not included.</p>	<p>No, but acceptable</p>

	Despite the non-compliance, the variation is considered to be minor. The RFDC prescribes balcony areas are to have a minimum dimension of 2 metres. Upon review of the balconies proposed on the upper levels, these areas have the capacity to accommodate private passive recreational area. Despite the non-compliance with the minimum dimensions for a balcony under PDCP 2011, the balconies achieve the objectives of this control. As such, the minor departure from the minimum balcony area is considered to be acceptable in this regard.	
3.3.2 Common Open Space Is a minimum of 10m ² of COS provided per dwelling?	Required = 2870m ² Provided = 741.916m ² See discussion for Communal Open Space under RFDC.	No, but acceptable.
Swimming Pools Is a swimming pool proposed?	A swimming pool is not proposed.	N/A
3.3.3 Visual Privacy Do balconies face the street or another element of the public domain such as a park? Is a minimum building separation of 12m provided between habitable rooms/balconies?	It is considered that the extent of overlooking into windows and private open space of the nearest residential property being across Alfred Street from the upper floor windows and balconies will be limited. A minimum 24 metre building separation is proposed.	Yes Yes
3.3.4 Acoustic Amenity Is the dwelling is located within proximity to noise-generating land uses such as major roads and rail corridors?	The site does not adjoin a noise generating land use. Whilst there are additional units on the subject site, due to compliance with Council's density controls and building	Yes

	design (with regards to boundary setbacks and height), it is unlikely that the proposal will generate unreasonable residential acoustics.	
<p>3.3.5 Solar Access</p> <p>Do all dwellings receive a minimum of 3 hours sunlight to habitable rooms and in at least 50% of the private open space areas between 9am and 3pm on 21 June?</p> <p>Will adjoining properties receive a minimum of 3 hours sunlight to habitable rooms and 50% of their private open space areas between 9am and 3pm on 21 June?</p> <p>Are living areas, such as kitchens and family rooms located on the northern side of dwelling with service areas such as laundries and bathrooms to the south or west?</p>	<p>The design of the development which provides articulation and setbacks allow for a majority of the units within the development to achieve the minimum 3 hours of solar access to habitable rooms. See Solar Access assessment under RFDC for further discussion.</p> <p>Due to the north-south orientation of the site and the ample building separation, the residential properties to the west will achieve 3 hours of solar access on the affected elevation and to their respective private open space areas during the winter solstice.</p> <p>The majority of the shadows cast from the development fall to the street and the properties across River Road West. However, these properties are industrial in nature and zoned for such purposes.</p> <p>It is also noted that as a result of the orientation of the site, that the foreshore area will also experience more than 3 hours of solar access during the winter solstice.</p> <p>Accordingly, the solar access impacts as a result of the development are acceptable.</p> <p>The units that address the foreshore provide units with living rooms oriented to the north. The units which provide living rooms that primarily address the south represent 30% of the total development (being 84 units). The RFDC however, requires that a minimum of 70% of the units within the development provide solar access to</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

	<p>living rooms. Despite the non-compliance with this control under DCP 2011, it remains compliant with the RFDC and is therefore acceptable.</p> <p>The kitchen and amenities are predominantly located either to the centre of the units or the rear of the units.</p>	
<p>Cross Ventilation</p> <p>Is the minimum floor to ceiling height 2.7m?</p> <p>Are 80% of dwellings naturally cross ventilated?</p> <p>Are single aspect apartments limited in depth to 8m from a window?</p>	<p>The submitted plans only indicate floor to floor heights. These range from 4.5 metres (ground floor) to 2.95 metres for the upper floors.</p> <p>It is considered a minimum 2.7 metres of floor to ceiling height can be accommodated for residential units and 3.3 metres for non-residential uses on the ground floor. As such, a condition of consent will require amended plans to demonstrate that a minimum 2.7 metres floor to ceiling height is provided for residential units and a minimum of 3.3 metres is provided for the tenancies on the ground floor.</p> <p>The modifications to the floor to ceiling height are in relation to the annotations on the plans only as the plans currently indicate a floor to floor height. As such, it is considered that the minimum floor to ceiling height can be accommodated without altering the overall height of the development. The condition with regards to this issue also specifically states that the amendments to the plans should not result in any modifications to the overall height of the development.</p>	<p>Yes</p>
<p>Does the building have a maximum depth of 18m?</p>	<p>A maximum building depth of 46 metres is provided.</p> <p>The length of the development is not that dissimilar from the typical form for mixed use developments. Whilst the</p>	<p>No, but acceptable</p>

	<p>building depth is 46 metres, the freestanding building with multiple aspects and adequate setbacks result in satisfactory amenity.</p> <p>In addition, the stairwells, lifts, multiple entrances, various elevational projections and external materials provide articulation to the elevations to alleviate the perception of a 'bulky' development. Further, the design of 3 towers with ample building separation, reduce the bulk of the development and preserve historic view corridors.</p> <p>It is also noted that the development has appropriately located openings, fenestrations and floor to ceiling heights to achieve appropriate cross ventilation for all units. Accordingly, the proposal is acceptable in this regard.</p>	
<p>3.3.6 Water Sensitive Urban Design</p> <p>Is the on-site detention system appropriately designed to minimise and control nuisance flooding and to provide safe passage for less frequent floods?</p> <p>Does the development contain more than 5 dwellings?</p> <p>If yes has a WSUD plan that achieves the pollution reduction targets outlined in table 3.30 been prepared?</p>	<p>Council's Development Engineer has advised that the concept OSD plan is satisfactory and appropriate conditions have been imposed to ensure it is designed appropriately at the construction certificate stage to achieve relevant objectives and design principles outlined in the DCP.</p> <p>As the proposal contains more than 5 dwellings a WSUD Report was submitted with the application. The report was reviewed by Council's Development Engineer and appropriately achieves pollution reduction targets through the use of Stormwater360 filters and Enviropods to treat and remove nutrient pollutants before discharging to the Parramatta River.</p>	Yes
<p>3.3.7 Waste Management</p> <p>Is the waste management plan satisfactory?</p>	<p>The Waste Management Plan is satisfactory, detailing the types and</p>	Yes

Is the bin room appropriately sized for the number of bins required?	<p>amounts of waste that will be generated by the development and the methods of removal and disposal.</p> <p>The bin room is sufficiently sized for the number of bins required. This was reviewed by Council's Health (Waste) Officer whom did not raise any objections with the size of the bin bay.</p> <p>The garbage bays are located on the ground floor and designed towards the centre of the building (behind the retail tenancies and SOHO apartments) to screen the garbage rooms from the public.</p>	Yes
3.4 Social Amenity		
3.4.1 Public Art Is an arts plan required? Note: Arts plans are required if the site is over 5000m2 or: If the development has a capital value of more than \$5,000,000 and is located in the following major local centres and zoned as indicated in the Parramatta LEP 2011, is required to provide and implement an Arts Plan as part of the overall development. The plan is to include the provision of high quality artworks within the development in publicly accessible locations, near main entrances and street frontages and in lobbies. - Epping - B2 Local Centre - Ermington - B2 Local Centre - Granville - B2 Local Centre and B4 Mixed Use - Guildford - B2 Local Centre - Harris Park - B1 Neighbourhood Centre - Westmead - B4 Mixed Use	<p>Due to the site area being 7661m2 with a Capital Investment Value of more than \$5,000,000.00, an Arts Plan was submitted with the application.</p> <p>The Arts Plan was reviewed by Council's Creative Broker. Upon review, Council's Creative Broker raised no objections to the Arts Plan submitted subject to conditions of consent.</p>	Yes
3.4.2 Access for People with disabilities. Does the development contain adequate access for people with a disability?	<p>The ground floor is visitable and able to be accessed by people with disabilities. The development provides several access ramps along the southern elevation with a grade of</p>	Yes

	<p>1.14.</p> <p>Access from the basement to the upper levels is via a lift.</p> <p>Access from the basement is via a lift. Amended plans have been submitted demonstrating the provision of 31 disabled car spaces within Basement Level 1.</p> <p>It is noted that 30 units within the development will be nominated as adaptable units.</p> <p>An Accessibility Report was also submitted with the application which assesses the proposal against the relevant BCA and DDA requirements. Accordingly, this report will be incorporated in the consent to ensure compliance.</p>	
<p>3.4.4 Safety and Security</p> <p>Has the development been designed in accordance with crime prevention principles?</p>	See discussion under SEPP 65.	Yes
<p>3.4.5 Housing Diversity and Choice</p> <p>Is the unit mix in accordance with the following:</p> <p><input type="checkbox"/> 3 bedroom 10% - 20%</p> <p><input type="checkbox"/> 2 bedroom 60% - 75%</p> <p><input type="checkbox"/> 1 bedroom 10% - 20%</p> <p>Have adaptable dwellings been provided in accordance with the following ratio:</p>	<p>Provided -</p> <p>1 x studio – less than 1%</p> <p>67 x 1 bedroom – 23%</p> <p>4 x 1 bedroom SOHO – 1%</p> <p>198 x 2 bedroom – 68%</p> <p>17 x 3 bedroom – 6%</p> <p>The departure is considered to be minor as the proposed unit mix allows for a range of units to suit diverse living circumstances.</p> <p>Required – 10% of 287 units = 28.7 (or 29 units)</p> <p>Provided – 30 units</p>	<p>No, but acceptable</p> <p>Yes</p>

Less than 10 =1 10-20 = 2 more than 20 = 10%		
3.5 Heritage		
Development must comply with the objectives, principles and controls in Part 4 and any relevant objectives, principles and controls in Parts 2 and 3 of this DCP. Where there is any inconsistency Part 4 will prevail.	<p>Whilst the site is not heritage listed, it contains heritage listed wetlands. However, the foreshore portion of the site (which contains the heritage listed wetlands) will be dedicated to Council per the VPA.</p> <p>The impacts of the proposal on the heritage listed wetlands are discussed elsewhere in this report.</p>	Yes
3.5.2 Archaeology		
<p>Is excavation proposed?</p> <p>If yes is the area within the study area of the Parramatta Historic Archaeological Landscape Management Study (PHALMS)?</p>	<p>Excavation is proposed to facilitate the basement parking.</p> <p>The site is identified as containing State significant archaeology with a high archaeological research potential. Council's Heritage Adviser nor the NSW Office of Environment and Heritage raised no objections with regards to the proposed excavation works.</p> <p>The site is within Archaeological Management Unit 3031 under the Parramatta Historical Archaeological Landscape Management Study. In accordance with the recommendations of this study, a condition of consent will be imposed requiring the application to liaise with the heritage branch of NSW to ascertain whether a permit or exemption permit under the Heritage act is required.</p>	Yes
3.5.3 Aboriginal Cultural Heritage		
For properties with Low Sensitivity and is located within 100 metres of a creek or river foreshore	The Deerubbin Local Aboriginal Land Council was notified of the proposal on 8 November 2013. As of 20 March 2014, no response has been received	Yes

and contains uncleared bushland, advice from local Aboriginal Communities are to be obtained.	from the Deerubbin Local Aboriginal Land Council.	
<p>3.6.2 Sustainable Transport</p> <p>If the development contains more than 50 apartments and is located within 800m of a railway station/ 400m of a bus stop with a service frequency of an average of 15minutes or less between 7am and 9am is a car share parking space provided?</p> <p>If a car share space is required is it publically accessible?</p> <p>Has evidence been submitted with the development application that an offer has been made to car share providers?</p> <p>Note: 1 car share space can be provided in lieu of 3 other car parking spaces</p>	<p>The development contains 287 dwellings and is located within 800 metres of a railway station.</p> <p>Accordingly, 3 car share spaces are provided and located on Basement Level 1.</p> <p>A condition will be imposed on the consent requiring the consent holder to provide evidence that an offer has been made to a car share provider.</p>	Yes
3.6 Parking Provision		
<p>Travel Plan</p> <p>A travel plan is require for proposals with a gross floor area of 5000m2 and within 800 metres of a railway station.</p>	<p>A condition will be imposed on the consent requiring the preparation of Travel Plan in accordance with this control prior to the issue of an Occupation Certificate.</p>	Yes
<p>If the site is not within 400m walking distance of a railway station or a transitway bus stop with a service frequency of 10minutes or less between 7am and 9am weekdays is</p>	<p>The development is subject to the following car parking provisions.</p> <ul style="list-style-type: none"> ➤ 0.6 per studio (proposed 1) = 0.6 ➤ 1 space per 1 bedroom units (proposed 71 units) = 71 spaces 	No, but acceptable

<p>parking provided within a basement at the following minimum rate:</p> <p>0.6 spaces per studio apartment 1 space per 1 bedroom unit 1.25 spaces per 2 bedroom unit 1.5 spaces per 3 bedroom unit 2 spaces per 4 bedroom unit Plus 0.25 space per dwelling for visitor parking A car wash bay which may also be a visitor space</p> <p>Is 1 bicycle parking space provided per 2 units?</p>	<ul style="list-style-type: none"> ➤ 1.25 spaces per 2 bedroom units (proposed 198 units) = 247.5 or 248 spaces ➤ 1.5 spaces per 3 bedroom units (proposed 17 units) = 25.5 or 26 spaces ➤ 0.25 spaces for visitors x 287 units = 71.75 or 72 parking spaces. ➤ 1 space for 30m2 of gross floor area plus 1 loading bay for 800m2 of gross floor area for retail premises = 40.8 or 41 retail spaces and 1.5 or 2 loading bays. <p>The development is required to provide a total of 346 residential spaces, 72 residential visitor spaces, 41 retail spaces and 2 loading bays.</p> <p>The development provides:</p> <p>298 residential spaces 41 residential visitor spaces 31 retail spaces 3 car share spaces 1 loading area</p> <p>It is noted that the 3 car share spaces equates to 9 residential spaces and therefore the total residential spaces provided is increased to 307 spaces.</p> <p>The proposal has a non-compliance of:</p> <p>38 residential spaces 31 residential visitor spaces 10 retail spaces 1 loading area</p> <p>A Traffic and Parking report was also submitted with the application.</p> <p>Council's Traffic Engineer has reviewed the proposal and despite the non-compliance with this control, the variation is considered to be acceptable.</p>	
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	<p>Further, the proposal was reviewed by the RMS whom did not raise any objections with regards to traffic generation and parking provision.</p> <p>See 'Referral' section for further discussion with regards to comments from Council's Traffic Engineer and RMS.</p>	
<p>3.6.3 Accessibility and Connectivity</p> <p>If the development is a large site with a street pattern that limits pedestrian movements is it appropriate for pedestrian through link with a minimum width of 3m to be provided?</p>	<p>The development provides a through site link between Building B and C with a width of 4 metres.</p>	<p>Yes</p>
3.7.2 Site consolidation and isolation		
<p>Does the proposal result in adjoining sites being isolated e.g. adjoining sites would not meet the minimum frontage requirements etc</p>	<p>The proposal does not result in the isolation of any adjoining properties</p>	<p>N/A</p>
Part 4 Special Precincts		
<p><u>Harris Park Strategic Precinct</u></p> <p>Height of Buildings</p> <ul style="list-style-type: none"> - Existing view corridors are to be protected. - Align buildings to maximise and frame view corridors. - The maximum height of buildings or structures on land south of Clay Cliff Creek between Parkes Street and Alfred 	<p>This is discussed elsewhere in this report.</p> <p>The development is designed to maximise and frame view corridors through appropriate heights, distribution of floor area and building separation.</p> <p>The maximum height for the site is not breached by the development.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>

<p>Street as shown on the design control map shall only be achieved where it can be demonstrated that the building or structure will not dominate the topographical features of the River landscape.</p> <p>- Regardless of any other control, height of buildings must enable compliance with all controls about views and vistas.</p> <p>Building Design</p> <p>- The main entries of buildings are to address the street.</p> <p>- Any face of a building which is clearly visible from a major public place is to be designed to address that place.</p> <p>- Buildings are to be designed with regard to the features of adjoining buildings.</p> <p>- New buildings shall sit parallel to the street.</p> <p>- Building bulk is to be reduced by articulation.</p> <p>- Roof form should be similar to predominant roof pattern.</p> <p>- Door and window openings are to enhance the architectural</p>	<p>This is discussed elsewhere in this report.</p> <p>Multiple entries are provided and address the foreshore, Alfred Street and River Road West.</p> <p>The development provides appropriate uses, entrances and facades that address the through site link and foreshore.</p> <p>Appropriate building separation is provided to the industrial premises to the east along with the provision of a green corridor to ensure appropriate transition.</p> <p>The development is sited parallel to the street.</p> <p>The development is designed as 3 similar towers which is heavily articulated to reduce bulk.</p> <p>The flat roof form is consistent with the industrial and some residential developments within proximity to the site.</p> <p>The door and window openings contribute to the enhancement and architectural character of the building.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
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<p>character of the building.</p> <ul style="list-style-type: none"> - Balconies and expressed entries articulation elements are to be employed. - Existing lot structure is to influence building articulation. - No development is to be undertaken on sites identified as the 'No build area'. 	<p>Balconies and well defined entries are provided to improve the articulation and visual identity of the design.</p> <p>Whilst several lots are to be amalgamated, the design of the development responds to the lot structure upon consolidation of these sites.</p> <p>The subject site is not identified as a site marked as a "No build area".</p>	<p>Yes</p> <p>Yes</p> <p>N/A</p>
<p>Landscaping</p> <ul style="list-style-type: none"> - Minimum landscape area = 30% of the site. - At least 50% of the landscaped area is to be continuous and located to the rear. - At least 50% of the landscaped area shall be deep soil. 	<p>The landscaping for the site is discussed elsewhere in this report.</p>	<p>Yes</p>
<p>Transport and Accessibility</p> <ul style="list-style-type: none"> - Basement car parking is provided. - Driveways should be designed that avoids straight, long gun-barrel appearance by using appropriate landscaping. <p>Vehicular access is to be minimised. The width and surface area of driveways are to be minimised.</p>	<p>Basement car parking is proposed.</p> <p>The driveway is designed to avoid an unreasonable gun-barrel type driveway.</p> <p>The vehicular access to the site has been designed to minimise the surface area of the driveway whilst providing some landscaping.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>
<p>View Corridors</p>		

<ul style="list-style-type: none"> - Significant views must be protected. - The height and bulk of the development is to be modified to preserve significant views. 	The view corridors for the site are discussed elsewhere in this report.	Yes
<p>Area of National Significance (AoNS).</p> <ul style="list-style-type: none"> - The scale, form, siting, materials and use of new development will not adversely affect the heritage significance of the AoNS - The existing allotment and development pattern, and the natural landform of the AoNS will be maintained. - The original course of Clay Cliff Creek will be re-established. - The development does not adversely impact on the existing views into and out of the site of Elizabeth Farm house, Experiment Farm Cottage and Hambledon Cottage, the Female Orphan School (UWS), the Parramatta River corridor and the Pennant hills open space ridge line. 	<p>The scale, form, siting and materials of the development have been designed to ensure that it does not adversely affect the heritage significance of the AoNS.</p> <p>Whilst several lots are to be amalgamated, there will be no changes to the alignment of the boundaries. Also, the proposal has considered the landform and pattern of existing development in its design with appropriate excavation works and height for the site.</p> <p>The site is not within proximity to Clay Cliff Creek and therefore no impacts on its original course are envisaged as a result of the development.</p> <p>Despite the minor variation to the height of the development for the subject site, it is acceptable given that the departure only relates to an architectural roof feature. Additionally, the development proposes adequate building separation to preserve historic view corridors.</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>
Harris Park River Area		
All reasonable	A portion of the site along the	Yes

opportunities to establish foreshore public land are taken up.	foreshore is to be dedicated to Council as per the VPA.	
The development retains and enhances open space links along the foreshore.	The proposal includes the beautification and creation of a foreshore area for public recreational purposes.	Yes
The development retains and enhances open space links between Elizabeth Farm House, Experiment Cottage, Hambledon Cottage and the Parramatta River foreshore and facilitates and enhances views, public views between the historic places in the precinct.	The development proposes a pedestrian through link to allow public access from River Road West to the foreshore to allow for open space links within the precinct.	Yes
The development provides high quality facades and entrances.	The development incorporates high quality facades and entrances that address the foreshore, Alfred Street and River Road West.	Yes
The development is of a scale that will not dominate the topographical features of the River landscape.	The proposal is designed with an appropriate bulk and scale envisaged by the provisions of the LEP. The design of the development as 3 similar towers ensures that the topographical features of the River landscape.	Yes
The development re-establishes building setbacks along the river.	The development is designed in accordance with the foreshore setbacks required under the precinct controls for River Road West.	Yes
The development improves foreshore landscaping and makes apparent settings of the important historic places and views along the river.	The development has proposed appropriate landscaping works and building setback, bulk and scale to retain views along the river.	Yes

River Road West Precinct.		
Pedestrian Connections and Laneways	A 4 metre pedestrian footpath between Building B and C is provided.	Yes
Land Use mix		
Ground level uses to be predominantly non-residential	The development provides 3 retail tenancies with a combined floor area of 1226.25m ² (or 42% of the ground floor area).	Yes
Building Depth		
Tower elements shall not exceed more than 24 metres (building depth) and the upper most level being no more than 15 metres including balcony zone	Minimum – 26 metres Maximum - 46 metres See assessment under Section 3.3.5 – Cross Ventilation for further discussion.	No, but acceptable
Height		
37 metres with a maximum storeys of 11	The development complies with the 37m height control and is part 11 storeys (Building A and B) and 12 storeys (Building C) See assessment under Height of PLEP 2011 and Section 3 – Preliminary Building Envelope (Height) for further discussion.	No for the number of stories, but acceptable
Setbacks		
As per Figure 4.3.2.2.3		
Primary Front Setback – 5 metres Secondary setback – 5 metres Foreshore setback – 6 metres Setback to 10 River Road West – 14 metres	Primary Front Setback – 5 metres Secondary setback – 3 metres Foreshore setback – 6 metres Setback to 10 River Road West – 12 metres See assessment under Section 3 – Preliminary Building Envelope (Setback) for further discussion.	No for the secondary setback, but acceptable

Building Separation Minimum 26 metres	24 metres (between all 3 towers) The variation to the control is considered to be minor in this regard as the departure does not result in adverse impacts to perception of bulk, the preservation of historic view corridors, amenity, overlooking and solar access. The departure to this control also does not hinder the proposal from achieving appropriate setbacks, landscaping and deep soil zones. It is noted that the site is significantly reduced due to the dedication of the foreshore and the provision of a through site link and that a minor variation to this control in order to provide such public benefits is considered to be acceptable.	No, but acceptable
Landscaping and Deep Soil Zones As per Part 3 of PDCP 2011	See assessment under Section 3.3.1 – Landscaping for further discussion.	Yes

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 generally indicates acceptable footpath levels and gradients for the proposed development. Council's Civil Assets section has reviewed the plans. The comments provided by Council's Civil Assets section are discussed elsewhere in this report.

A detailed Public Domain Plan incorporating the above requirements is to be submitted to Council before the issue of a Construction Certificate.

Arts Plan

An arts plan was submitted with the application. The plan has been reviewed by Council's Public Arts Officer who advised that it was satisfactory. A condition will be imposed on any consent issued requiring implementation of the arts plan prior to the release of the occupation certificate.

PARRAMATTA S94A DEVELOPMENT CONTRIBUTIONS PLAN 2008

With exemptions

As the cost of works for the residential flat building exceeds \$100,000 a Section 94A development contribution **1.0%** is required to be paid. A Quantity Surveyor who is a member of the Australian Institute of quantity Surveyors prepared a Quantity Surveyors Report. Accordingly, the Section 94A contributions will be calculated on the value of **\$82,500,000.00**.

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

PARRAMATTA CITY COUNCIL 2013/2014 SECURITY BONDS FOR THE PROTECTION OF CIVIL INFRASTRUCTURE

Council's 2013/2014 Schedule of Fees and Charges requires the developer 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 which does exceed \$500,000 the applicant will be required to pay a Security Bond of \$40,000 (2 x street frontage) prior to the release of a Construction Certificate.

PLANNING AGREEMENTS

The application is subject to a Voluntary Planning agreement under section 93F(2) of the Environmental Planning and Assessment Act. As previously stated, the VPA was endorsed by Council on 23 April 2013 and included the following:

- The dedication of land to Council along the Parramatta River Foreshore generally equal to 15 metres from the northern (river) boundary;
- The dedication of land to Council through the site between River Road West and the Foreshore, 6 metres in width; and
- The embellishment of land to be dedicated including the provision of shared pedestrian/cycleway, landscaping, lighting, and public domain improvements along the foreshore and through site links; and
- The restoration and repair of the river bank and riparian corridor including weed removal, revegetation, repair of erosion and sea walls; and
- Removal of contamination, including remediation works;
- The payment of a cash contribution toward local traffic improvements and a shared pedestrian/cycle bridge over Parramatta River.

As per the above, the applicant has lodged an application that includes the above works for the purposes of a public benefit.

REGULATIONS

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

LIKELY IMPACTS

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

SUITABILITY OF THE SITE

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

SUBMISSIONS & PUBLIC INTEREST

Three submissions were received in response to the notification of the application.

The issues raised within these submissions have been discussed within this report.

The proposed development is not contrary to the public interest.

Conclusion

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

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

- (a) **That** the variation to Clause 4.4 – Floor Space Ratio of the PLEP 2011 under the provisions of clause 4.6.
- (b) **That** the consent authority grants development consent to Development Application No. DA/702/2013 for the demolition and construction of a part 11 and part 12 storey mixed use development comprising of 2 level of basement, 2 level base podium, 3 ground floor retail tenancies and 271 dwellings with associated landscaping and site and foreshore beautification works at 2 - 8 River Road West, PARRAMATTA NSW 2150 for a period of five (5) years from the date on the Notice of Determination for physical commencement to occur 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
Alignment Park (Foreshore Park). Project No. 1513. Drawing No. A40. Issue 02.	21 February 2014
Alignment Levels Plan. Job No. 130149. Revision A and E. 4 pages	19 February 2014
Site Analysis. Project No. 1513. Drawing No. A02. Issue 06.	23 August 2013
Demolition Plan, Location Plan and Site Plan. Project No. 1513. Drawing No. A00. Issue 07.	29 August 2013
Erosion and Sediment Control Plan and Details. Drawing No. D01. Revision C.	18 February 2014
Standard Drawings and Details. Drawing No. C03. Revision A.	29 August 2013
Basement 2 Stormwater Plan and Drainage Details. Drawing No. D02. Revision D.	17 February 2014
Basement 1 Stormwater Plan and Drainage Details. Drawing No. D03. Revision C.	2 October 2013
Ground Floor Stormwater Plan and Drainage Details. Drawing No. D04. Revision E.	17 February 2014
Basement Level 2. Project No. 1513. Drawing No. A03. Issue 10.	1 October 2013
Basement Level 1. Project No. 1513. Drawing No. A04. Issue 12.	24 January 2014
Level 1 Ground Plan. Project No. 1513. Drawing No. A05. Issue 13.	24 January 2014
Level 2 Plan. Project No. 1513. Drawing No. A06. Issue 12.	10 January 2014

Drawing N^o	Dated
Level 3 Plan. Project No. 1513. Drawing No. A07. Issue 09.	18 September 2013
Level 4, 6, 7 and 9 Plan. Project No. 1513. Drawing No. A08. Issue 10.	1 October 2013
Level 5 and 8 Plan. Project No. 1513. Drawing No. A09. Issue 8.	13 September 2013
Level 10 Plan. Project No. 1513. Drawing No. A10. Issue 10.	1 October 2013
Level 11 Plan. Project No. 1513. Drawing No. A11. Issue 8.	13 September 2013
Level 12 Plan. Project No. 1513. Drawing No. A12. Issue 9.	3 April 2014
Roof Plan. Project No. 1513. Drawing No. A13. Issue 9.	3 April 2014
Elevations 1. Project No. 1513. Drawing No. A20. Issue 8.	3 April 2014
Elevations 2. Project No. 1513. Drawing No. A21. Issue 8.	3 April 2014
Cross Section. Project No. 1513. Drawing No. A22. Issue 8.	13 September 2013
Longitudinal Section. Project No. 1513. Drawing No. A23. Issue 8.	13 September 2013

Document(s)	Dated
Access Report	2 October 2013
SEPP 65 Verification Statement	24 September 2013
Arts Plan	September 2013
BASIX Certificate No. 505208M	4 October 2013
Construction Noise Management Plan	23 October 2013
ESD Report	10 October 2013
External Finishes. Project No. 1513. Drawing No. A50. Issue 06.	18 September 2013
Remediation Action Plan	10 September 2013
Security Design and Management Report	October 2013
Solar Light Reflectivity Analysis.	23 September 2013
Stage 2 Environmental Site Assessment	31 July 2013
Stormwater Management and WSUD Report	25 October 2013
Traffic Report	October 2013
Flood Impact Report	27 October 2013
Geotechnical Investigation Report	3 August 2013
Preliminary Acid Sulphate Soil Assessment and Management Plan	5 August 2013
Flora and Fauna Assessment Report	19 February 2014

Document(s)	Dated
Waste Management Plan.	22 October 2013
General Terms of Approval issued by NSW Office of Water (10 ERM 2013/0941)	17 January 2014

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. Pursuant to section 931(3) of the Environmental Planning & Assessment Act 1979, the applicant must enter into a planning agreement in terms of the offer set out in the letter dated 30 October 2012 from Emin Pty Limited and NGP Investments (No2) Pty Limited to Council and will carry out the works as per the VPA as registered on the legal title of the site. Nothing in this consent derogates from the rights and obligations conferred by the planning agreement

Reason: To ensure performance of obligations under a planning agreement

3. Demolition work shall be carried out in accordance with Australian Standard 2601-2001 - *Demolition of Structures* and the requirements of the NSW WorkCover Authority.

Reason: To ensure appropriate demolition practices occur.

4. 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.

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

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

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

Reason: To ensure compliance with legislative requirements.

7. All roof water and surface water is to be connected to an approved drainage system complying with Council's specifications and policy requirements.

Reason: To ensure satisfactory stormwater disposal.

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

Reason: To minimise impact on adjoining properties.

9. Trees to be removed are:

Tree No	Name	Common Name	Location
3x	<i>Grevillea robusta</i>	Silky Oak	South-western corner of the site
3x	<i>Eucalyptus elata</i>	River Peppermint	South-western corner of the site
1x	<i>Casuarina glauca</i>	She Oak	South-western corner of the site – Along the River Road frontage
16x	<i>Casuarina glauca</i>	She-oak	South-western corner of the site

10. All Tree removals shall be supervised by an AQF Level 3 qualified arborist and conform to the provisions of the NSW Tree Work Draft Code of Practice 2007.

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

11. Any garbage chutes must be designed in accordance with the requirements of the *Building Code of Australia* and the Department of Environment and Climate Change *Better Practice Guide for Waste Management in Multi-Unit Dwellings*. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.

Reason: To ensure waste conveyance equipment is appropriately designed and managed.

12. 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.

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

13. 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.

14. 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*.
15. The proposed development should be designed such that road traffic noise from adjacent public roads is mitigated by durable materials, in accordance with EPA criteria for new land use developments (The Environmental Criteria for Road Traffic Noise, May 1999). The RMS's Environmental Noise Management Manual provides practical advice in selecting noise mitigation treatments.
Reason: As per RMS requirements.
16. All works approved under Consent No. 702/2013 are to be contained wholly within the development site. A works required along the foreshore (where RMS is the landowner) will require further approval from RMS.
Reason: As per RMS requirements.

Prior to the Issue of a Construction Certificate

17. The Construction Certificate will not be issued over any part of the site requiring a controlled activity approval until a copy of the approval has been provided to the PCA and Council.
- The GTAs issued by the NSW Office of Water is **not** the controlled activity approval. The applicant must apply (to the Office of Water) for a controlled activity approval before the commencement of any work or activity on waterfront land.
Reason: As per the recommendations of NSW Office of Water.
18. Prior to the commencement of any work, including bulk earthworks and construction works the applicant/developer is to approach the NSW State Heritage Office to satisfy any archaeological requirements for the site. This may include a preliminary archaeological assessment or a request for an exemption permit.
- A copy of the written correspondence from the Heritage Office confirming that their requirements have been satisfied shall be provided to Council and the Principal Certifying Authority prior to the issue of the construction certificate.
Reason: To ensure that the requirements of the Heritage Office are met and any European / Aboriginal archaeological items are appropriately managed.
19. The submission of a final Landscape Plan to Parramatta City Council, prior to the release of the Construction Certificate. The final Landscape Plan shall address the following requirements:

- (a) The final landscape plan shall be amended where required to ensure consistency with the approved public domain plan and the approved Vegetation Management Plan.
- (b) That all works are to be contained wholly within the development site. Any landscape works located along Alfred Street (on Council's land) outside of the development site are not approved elements under this consent.
- (c) The final landscape plan is to be amended so that the landscaping is used to clearly demarcate private land from the land to be dedicated to Council.
- (d) Increase the width of the central planting bed to align with land to be dedicated to Council.
- (e) Replace the species as follows:
 - 16 x Kentia Palm with 16 x Cabbage Tree Palm;
 - 354 x Liriope with 354 Dianella caerulea 'Little Jess' (Dwarf Dianella);
 - 84 x Star Jasmine with 84 x Hardenbergia violacea;
 - 16 x Street Trees (Tuckeroo) with Lemon Myrtle (Backhousia citriodora).
- (f) All landscape plans are to be prepared by a professionally qualified landscape architect.

Reason: To ensure that appropriate landscaping is implemented.

20. Prior to the release of the construction certificate, amended architectural plans are to be submitted to the PCA demonstrating the following:
 - A minimum floor to ceiling height of 3.3 metres for non-residential uses on the ground floor and a minimum of 2.7 metres for residential uses. The modification to the floor to ceiling height is not to modify the overall height of the development.
 - That all works are to be contained wholly within the development site. Any works located along Alfred Street (on Council's land) outside of the development site are not approved elements under this consent.
 - Demonstrating that individual storage areas within the basement are assigned to individual units of the development. The storage areas are to be compliant with the storage volumes as per the Residential Flat Design Code.
 - Pedestrian / bicycle path is a minimum width of 3 metres and minimum width of 5 metres from the top of bank
21. Prior to the issue of the Construction Certificate, the following modifications are to be demonstrated on the alignment plan and submitted to Council for further approval:
 - i.) The alignment plans for River Road West and Alfred Street are to be amended to illustrate indicative street tree locations.
 - ii.) The foreshore alignment plan is to be amended so that the grades between the cycleway and the riverbank are a maximum of 12.5%.
A detailed foreshore alignment plans to ensure that the transition between the development and the foreshore are acceptable to be prepared in accordance with Council's requirements.

The Public Domain Plan is to reflect the Alignment Plan and the above modifications. The Public Domain Plan is to be subject to approval by Council's Civil Assets Team and Urban Designer prior to the issue of the construction certificate

Reason: To ensure that appropriate alignments are met.

22. Prior to the issue of the Construction Certificate, The arts plan is to be amended and submitted to Council's Art planner for further review and approval which demonstrates a focus on the following aspects:

- the Foreshores Park Wind Vanes (7.2) and
- Foreshores Park Eddy (7.4).

These works along the river connection is to be of an appropriate size, scale and quality method of fabrication in keeping with the context of the development site.

Reason: To ensure the Arts Plan is appropriately executed.

23. Prior to the issue of the Construction Certificate, the applicant shall submit for approval by Parramatta City Council a detailed River Embankment Reinstatement Strategy in accordance with the requirements of the VPA. The detailed design plans are to demonstrate compliance with the VPA and in accordance with the NSW Department of Environment, Climate Change and Water 'Environmentally Friendly Seawalls Guide' 2009

24. The Applicant shall provide written evidence demonstrating that offers of a car space to carshare providers have been made together with the outcome of the offers or a letter of commitment to the service. The written evidence is to be submitted to Council prior to the release of the construction certificate.

25. 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.

26. A monetary contribution comprising **\$825,000.00** 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 (Amendment No. 1). Payment must be by EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate/ subdivision certificate [choose one]. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician. Parramatta City Centre Civic Improvement Plan (Amendment No. 1) can be viewed on Council's website at: http://www.parracity.nsw.gov.au/build/forms_and_planning_controls/developer_contributions.

Reason: To comply with legislative requirements.

27. 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.

28. 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.

29. 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.

30. 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.

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

Reason: To ensure that the levy is paid.

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

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

33. A single master TV antenna must be installed on each building to service the development and provision made for connection to each dwelling unit within the development. A statement or annotations on the plan must be submitted to the satisfaction of the PCA prior to the issue of a Construction Certificate. The antenna is not to protrude beyond 3 m above the roof level.

Reason: To protect the visual amenity of the area.

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 the construction certificate.

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

- Quick Check agents details - see Building and Developing then Quick Check and
 - Guidelines for Building Over/Adjacent to Sydney Water Assets - see Building and Developing then Building and Renovating or telephone 13 20 92.
34. Prior to the issue of a Construction Certificate the applicant shall nominate an appropriately qualified civil engineer (at least NPER) to supervise all public area civil and drainage works to ensure that they are constructed in compliance with Council's "Guidelines for Public Domain Works".
The engineer shall:
- a. provide an acceptance in writing to supervise sufficient of the works to ensure compliance with:
 - a. all relevant statutory requirements,
 - a. all relevant conditions of development consent
 - b. construction requirements detailed in the above Specification, and
 - c. the requirements of all legislation relating to environmental protection,
 - a. On completion of the works certify that the works have been constructed in compliance with the approved plans, specifications and conditions of approval and,
 - b. Certify that the Works as Executed plans are true and correct record of what has been built.
35. 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
36. 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 Principal Certifying Authority and approval from Roads and Maritime Services (RMS). The following matters must be specifically addressed in the Plan:
- (a) Construction Management Plan for the Site
A plan view of the entire site and frontage roadways indicating:
 - i. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - ii. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
 - iii. The locations of proposed Work Zones in the egress frontage roadways,

- iv. Location of any proposed crane standing areas,
 - v. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - vi. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - vii. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
 - viii. A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
 - ix. A detailed description of locations that will be used for layover for trucks waiting to access the construction site.
- (b) Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.
- Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.
- (c) Traffic Control Plan(s) for the site:
- i. All traffic control devices installed in the road reserve shall be in accordance with the NSW Transport Roads and Maritime Services publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RMS 'red card' qualification) The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (d) Where applicable, the plan must address the following:
- i. Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
 - ii. A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
 - iii. Minimising construction related traffic movements during school peak periods,

The Construction and Traffic Management Plan shall be prepared by a suitably qualified and experienced traffic consultant and be certified by this

person as being in accordance with the requirements of the abovementioned documents and the requirements of this condition.

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

37. Prior to any works commencing on the driveway crossover and prior to the issue of any Occupation Certificate, an application is required for any new, reconstructed or extended sections of driveway crossings between the property boundary and road alignment which must be obtained from Parramatta City Council. All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

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

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

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

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

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

Reason: To enable future upgrading of electricity services.

39. If an excavation associated with the erection or demolition of a building extends below the level of the base of the footings of a building on an adjoining allotment of land; the person causing the excavation to be made; must preserve and protect the building from damage; and if necessary, must underpin and support the building in an approved manner. At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building.

being erected or demolished and submit to the Principal Certifying Authority details of the date and manner by which the adjoining owner(s) were advised.

Reason: To control excavation procedures.

40. Any exhaust ventilation from the car park is to be ventilated away from the property boundaries of the adjoining dwellings, and 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.

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

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

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. 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 702/2013;
- 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 \$40,000

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 safeguard 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.

44. The site stormwater discharge shall be done using two units of a headwall and apron as shown on the approved concept drainage plans and shall not be constructed against the river flow. The full detail and location for each of the outlet pipe headwall and the required apron - as part of an anti-scouring method - is subject to the satisfaction and approval of Council's Civil Infrastructure Unit prior to the issue of a Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

45. A stormwater management system shall be designed in accordance with the water sensitive urban design (WSUD) principles as per Parramatta City Council's Development Control Plan (DCP). The quality of the stormwater flow from the development site shall be improved to achieve the Pollution Retention Criteria in Council's DCP, prior to discharge into the river. In the case of using filter cartridges, the compliance of the (WSUD) system shall be certified to comply with the Product Design Manual to the satisfaction of the Principal Certifying Authority and Parramatta Council.

Reason: Stormwater filtration system designed to improve quality of stormwater runoff from the site

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

- (a) A holding tank (minimum 10m³) 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:

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

- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.
- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.
- (g) Any basement carpark ventilation is to be located above the 1:100 top of water level.

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

Reason: To ensure satisfactory storm water disposal.

47. The parking dimensions, internal circulation, aisle widths, kerb splay corners, head clearance heights, ramp widths and grades of the car parking areas are to be in conformity with the current relevant Australian Standard AS2890.1 (2004) & AS2890.2 (2002), except where amended by other conditions of this consent. Certification or details of compliance are to be submitted with the Construction Certificate plans.

Reason: To ensure car parking complies with Australian Standards.

48. The site stormwater discharge shall be done using two units of a headwall and attached apron as shown the on the approved concept drainage plans and this outlet pipe is not to be constructed against the river flow. The full detail and location for each of the outlet pipe's headwall and it related apron to minimise the flow velocity - as part of an anti-scouring method - is subject to the satisfaction and approval of Council's Civil Infrastructure Unit prior to the issue of a Construction Certificate.

Reason: To ensure satisfactory storm water disposal.

49. The Principal Certifying Authority shall ensure that the following engineering issues are addressed adequately as required :

- a) The engineering recommendations for the development site; design and Flood Evacuation & Management Plan as stated in the Flood Impact Assessment report dated 24 October 2013 prepared by 'Cardno' consultant engineers in addition to their letter dated 10th February 2014 by Brett Phillips, are implemented and incorporated within the design and shown on the engineering plan prior to the issue of the Construction Certificate. In this regard, compliance with this condition shall be certified in writing by a suitably qualified professional engineer to the satisfaction of the Principal Certifying Authority and certification submitted to Parramatta city Council together with the application for the Construction Certificate.
- b) Structural certification from a suitably qualified structural engineer should be submitted with the application for a Construction Certificate indicating that all columns, buildings and structures have

been designed to withstand inundation, debris and buoyancy forces of floodwater through the site for all storms up to and including the Probable Maximum Flood (PMF) assuming total pipe blockage.

- c) The building façade shall be designed so as not to obstruct flood flows in extreme flood events.
- d) Access and egress points to all buildings are to be positioned away from overland flow paths and above 100 year flood level plus freeboard.
- e) Any fencing or property security should be 'flood friendly' allowing flood waters to easily pass through
- f) The dedicated 'refuge area' located above the (PMF) level for each building of this proposed development shall be clearly indicated on the final architectural and engineering plans.

Note: The design and certification of the building and the Flood Evacuation & Management Plan shall be submitted to the satisfaction of the Principal Certifying Authority together with the application for the Construction Certificate.

Reason: To ensure the structure can withstand flooding events.

50. A stormwater management system shall be designed in accordance with the water sensitive urban design (WSUD) principles as per Parramatta City Council's Development Control Plan (DCP). The quality of the stormwater flow from the development site shall be improved to achieve the Pollution Retention Criteria in Council's DCP, prior to discharge into the river. In the case of using filter cartridges, the compliance of the (WSUD) system shall be certified to comply with the Product Design Manual to the satisfaction of the Principal Certifying Authority.

Reason: Stormwater filtration system designed to improve quality of stormwater runoff from the site

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

- (a) A holding tank (minimum 10m³) 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:
 - The permissible site discharge (PSD) rate; or
 - The rate of inflow for the one hour, 5 year ARI storm event.
- (c) An alarm system comprising of basement pump-out failure warning sign together with a flashing strobe light and siren installed at a clearly visible location at the entrance to the basement in case of pump failure.
- (d) A 100 mm freeboard to all parking spaces.
- (e) Submission of full hydraulic details and pump manufacturers specifications.

- (f) Pump out system to be connected to a stilling pit and gravity line before discharge to the street gutter.
- (g) Any basement carpark ventilation is to be located above the 1:100 top of water level.

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

Reason: To ensure satisfactory storm water disposal.

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

Reason: To ensure consolidation occurs.

- 53. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1, and AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Council's parking requirements and Australian Standards.

- 54. 150 bicycle spaces/racks are to be provided on-site and used accordingly. The bicycle storage areas are to comply with AS 290.3-1993.

Reason: To comply with Council's parking requirements.

- 55. A separate entry driveway (6m wide) and exit driveway (4m to 6m wide each) with a minimum of 1m wide physical separator, is to be provided in accordance with Tables 3.1 and 3.2 of AS 2890.1-2004. The ramp access driveway (6m wide both directions) is to be widened to provide a minimum of 600mm wide physical separator.

- 56. Prior to the issue of the construction certificate, the PCA shall ascertain that any new element in the basement carpark not illustrated on the approved plans such as columns, garage doors, fire safety measures and the like do not compromise appropriate manoeuvring and that compliance is maintained with AS 2890.1, AS2890.2 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure appropriate vehicular manoeuvring is provided

- 57. Speed control devices (carpark style speed humps or similar) shall be installed along the parking aisle on basement levels 1 and 2 in accordance with Clause 2.3.3 and Clause 4.9 of AS 2890.1-2004. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To comply with Australian Standards and ensure vehicular and pedestrian safety.

- 58. 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 shall be provided to give clear sight lines of pedestrians from

vehicles exiting the site from River Road West. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials. The exhaust air shaft on the western side of the driveway creates visibility and safety problem and should need to be set back to provide adequate visibility for drivers leaving the property and pedestrians on the footpath. Adequate sight distance shall be provided in accordance with Clause 3.2.4 (b) of AS 2890.1-2004.

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

Prior to the Commencement of Work

59. Should the post development storm water discharge from the subject site into the RMS system exceed the pre-development discharge, detailed design plans and hydraulic calculations of any charges are to be submitted to the RMS for approval, prior to the commencement of works.

Details should be forwarded to:

Sydney Asset Management
Roads and Maritime Services
PO BOX 973 Parramatta CBD 2124

60. Prior to the commencement of any works including demolition, evidence is to be provided to Council that the Office of Environment and Heritage had been consulted prior to undertaking any environmental assessment for the bat and migratory bird habitat in the adjoining the river corridor. 60. An acid-sulphate soils management strategy (prepared by a suitably qualified and experienced environmental/geotechnical consultant) shall be submitted to the Principal Certifying Authority, prior to the issue of the Construction Certificate. This strategy is required to recommend specific procedures and mitigation measures and shall include a site analysis from a National Association of Testing Authorities (NATA) registered laboratory. This strategy shall address the following aspects:

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

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

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

61. Prior to the commencement of works, a Vegetation Management Plan is to be prepared and submitted and approved by Council describing riverbank and riparian corridor rehabilitation and restoration detail which is to be

implemented for the entire site. This is to be in place prior to further works across the site. The VMP is to also include details of the Environmental Buffer Zone.

62. A Construction Environmental Management Plan (CEMP) must be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources (2004) Guidelines for the Preparation of Environmental Management Plans and submitted to the relevant authorities at least 4 weeks prior to the commencement of construction.

The CEMP must be prepared and implemented in accordance with the procedures, safeguards and mitigation measures identified in the EA and in consultation with relevant stakeholders. One such safeguard measure to be implemented prior to operation is the installation of a pollution control valve that will contain all pollutants on the premises so that all stormwater outlets from the premises are capable of being closed off.

The CEMP must contain all the Construction Sub Plans, including:

- a) Construction Noise and Vibration Management Sub Plan,
- b) Construction Contaminated Land Management Sub Plan (to further assess the extent of asbestos and ensure the ash layer will not be disturbed during construction in addition to any relevant Remedial Action Plan),
- c) Construction Soil and Water Management Sub Plan.

The approved CEMP must be made publicly available.

63. An Operation Environmental Management Plan (OEMP) must be prepared in accordance with the Department of Infrastructure, Planning and Natural Resources (2004) Guidelines for the Preparation of Environmental Management Plans and submitted to the relevant authority at least 4 weeks prior to the commencement of operation. The OEMP must be prepared and implemented in accordance with the procedures, safeguards and mitigation measures identified in the EA and in consultation with relevant stakeholders. The OEMP must incorporate a monitoring and review program which contains (but is not limited to):

- a) an Operation Noise Management Sub Plan,
- b) an Operation Air Quality/Odour Management Sub Plan,
- c) a Quantitative Final Hazard Analysis,

The approved OEMP must be made publicly available.

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

Reason: To protect the environmental amenity of the area.

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

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

66. On demolition sites where buildings are known to contain friable or non-friable asbestos material, standard warning signs containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' measuring not less than 400mm x 300mm are to be erected in a prominent position on site visible from the street kerb. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos material has been removed from the site. Advice on the availability of these signs can be obtained by contacting the NSW WorkCover Authority hotline or their website www.workcover.nsw.gov.au.

Reason: To comply with the requirements of the NSW WorkCover Authority.

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

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

68. Prior to commencement of works above ground, a detailed Public Domain Plan shall be prepared in consultation with and subject to the approval by Council's Civil Infrastructure Unit and Open Space and Natural Resources Teams. The plan shall clearly indicate site levels, elevations and sections as well as explanation of all materials, paving types etc and to include:

- Materials and finishes of all paved footpath within the road reserve in accordance with the requirements of the relevant Council public domain policy for the city centre;
- Location, numbers and type of street tree species to be provided;
- Details of planting procedure and maintenance;
- The applicant shall construct public domain works to the written satisfaction of Council prior to issue of an Occupation Certificate.

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

- (a) appoint a Principal Certifying Authority (PCA) and notify Council in writing of the appointment irrespective of whether Council or an accredited private certifier is appointed within 7 days; and

- (b) notify Council in writing of their intention to commence works (at least 2 days notice is required prior to the commencement of works).

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

Reason: To comply with legislative requirements.

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

Reason: To ensure adequate toilet facilities are provided.

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

Reason: To ensure public safety.

72. 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.

73. The preparation of an appropriate hazard management strategy by an licensed asbestos consultant pertaining to the removal of contaminated soil, encapsulation or enclosure of any asbestos material is required. This strategy shall ensure any such proposed demolition works involving asbestos are carried out in accordance with the WorkCover Authority's *"Guidelines for Practices Involving Asbestos Cement in Buildings"*. The strategy shall be submitted to the Principal Certifying Authority, prior to the commencement of any works. The report shall confirm that the asbestos material has been removed or is appropriately encapsulated and that the site is rendered suitable for the development.

Reason: To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

74. At least one (1) week prior to demolition, the applicant must submit to the satisfaction of the Principal Certifying Authority a hazardous materials survey

of the site. Hazardous materials include (but are not limited to) asbestos materials, synthetic mineral fibre, roof dust, PCB materials and lead based paint. The report must be prepared by a suitably qualified and experienced environmental scientist and must include at least the following information:

- (a) The location of hazardous materials throughout the site;
- (b) A description of the hazardous material;
- (c) The form in which the hazardous material is found, e.g. AC sheeting, transformers, contaminated soil, roof dust;
- (d) An estimation (where possible) of the quantity of each particular hazardous material by volume, number, surface area or weight;
- (e) A brief description of the method for removal, handling, on-site storage and transportation of the hazardous materials, and where appropriate, reference to relevant legislation, standards and guidelines;
- (f) Identification of the disposal sites to which the hazardous materials will be taken.

Reason: To ensure risks associated with the demolition have been identified and addressed prior to demolition work commencing.

75. A minimum of five (5) working days prior to any demolition work commencing a written notice is to be given to Parramatta City Council and all adjoining occupants. Such written notice is to include the date when demolition will be commenced and details of the principal contractors name, address, business hours contact telephone number, Council's after hours contact number and the appropriate NSW WorkCover Authority licence.

Reason: To protect the amenity of the area.

76. 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.

77. Demolition works involving the removal, repair, disturbance and disposal of more than 10 square metres of bonded asbestos material must only be undertaken by contractors who hold the appropriate NSW WorkCover Authority licence(s) and approvals.

Reason: To comply with the requirements of the NSW WorkCover Authority.

78. Prior to the commencement of any excavation works on site, the applicant must submit for approval by the Principal Certifying Authority (with a copy forwarded to Council) a full dilapidation report on the visible and structural

condition of all neighbouring structures within the 'zone of influence' of the required excavation face to twice the excavation depth.

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

Any damage caused during construction works to adjoining properties is to be fully rectified prior to the release of an Occupation Certificate at the cost of the developer.

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

Reason: Management of records.

79. Prior to the commencement of any excavation works on site the applicant shall submit, for approval by the Principal Certifying Authority (PCA), a geotechnical/civil engineering report which addresses (but is not limited to) the following:
- 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 proposed methods to ensure that no damage is caused to the fabric or structure of Lennox House.

- v. The existing groundwater levels in relation to the basement structure, where influenced.
- vi. 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.
- vii. Recommendations to allow the satisfactory implementation of the works. An implementation program is to be prepared along with a suitable monitoring program (as required) including control levels for vibration, shoring support, ground level and groundwater level movements during construction. The implementation program is to nominate suitable hold points at the various stages of the works for verification of the design intent before sign-off and before proceeding with subsequent stages.

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

- iv. No ground settlement or movement is to be induced which is sufficient enough to cause an adverse impact to adjoining property and/or infrastructure.
- v. 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.
- vi. 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.
- vii. 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.
- viii. Appropriate support and retention systems are to be recommended and suitable designs prepared to allow the proposed development to comply with these design principles.
- ix. An adverse impact can be assumed to be crack damage which would be classified as Category 2 or greater damage according to the classification given in Table Cl of AS 2870 - 1996.

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

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

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

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

81. 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.

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

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

83. The applicant shall apply for a road-opening permit where a new pipeline is proposed to be constructed within or across the footpath. Additional road opening permits and fees may be necessary where there are connections to public utility services (e.g. telephone, electricity, sewer, water or gas) are

required within the road reserve. No drainage work shall be carried out on the footpath without this permit being paid and a copy kept on site.

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

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

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

85. Erosion and sediment control devices are to be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices are to be maintained throughout the entire demolition, excavation and construction phases of the development and for a minimum three (3) month period after the completion of the project, where necessary.

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

86. 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 person's 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.

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

Reason: To prevent any damage to underground utility services.

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

aspects of on-site facilities associated with the management of stormwater quality and is to outline the following requirements:

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

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

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

During Construction

- 89. All works/regulatory sign posting associated with the proposed development are to be at no cost to the RMS.
- 90. Decommissioning of the unused underground storage tank must be undertaken in accordance with the Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008, Australian Standard 4976 - 2008: Removal and Disposal of Underground Petroleum Storage Tanks and the NSW EPA UPSS Technical Note: Decommissioning, Abandonment and Removal of UPSS (January 2010).
- 91. Within 60 days of the decommissioning of the underground petroleum storage system (or whatever is stated in the Regulation) submit to Parramatta City Council a validation report undertaken by a suitably qualified contaminated land consultant. The validation report shall be conducted with reference to the

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

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

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

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

93. A sign displaying the contact details of the remediation shall be displayed on the site adjacent to the site access. This sign shall be displayed throughout the duration of the remediation works.

Reason: To provide contact details for council inspectors and for the public to report any incidents.

94. Groundwater shall be analysed for pH and any contaminants of concern identified during the preliminary or detailed site investigation, prior to discharge to the stormwater system. The analytical results must comply with relevant NSW EPA water quality standards and Australian and New Zealand Guidelines for Fresh and Marine Water Quality 2000.

Other options for the disposal of groundwater include disposal to sewer with prior approval from Sydney

Water or off-site disposal by a liquid waste transporter for treatment/disposal to an appropriate waste treatment/processing facility.

Reason: To ensure that contaminated groundwater does not impact upon waterways.

95. No service, structure, conduit or the like shall be fixed or, attached to any tree.

Reason: To ensure the protection of the tree(s).

96. 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.

97. Noise from the construction, excavation and/or demolition activities associated with the development shall comply with the NSW Department of Environment and Conservation's Environmental Noise Manual and the Protection of the Environment Operations Act 1997.

Reason: To protect the amenity of the area.

98. 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.

99. 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.

100. 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.

101. All work including building, demolition and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. 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.

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

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

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

103. 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.

104. 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.

105. 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.

106. 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.

107. 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.

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

Reason: To provide satisfactory drainage.

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

Reason: To ensure proper management of Council assets.

110. 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.

111. 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.

112. All plants which have been declared, pursuant to Sections 7 and 8 of the Noxious Weeds Act 1993, to be Noxious Weeds within the area of Parramatta City Council shall be removed on site and replaced with appropriate indigenous or native species.

Reason: To ensure the compliance with the Noxious Weed Act 1993

113. Where demolition of asbestos containing materials is undertaken, the contractor must submit to the Principal Certifying Authority, copies of all receipts issued by the EPA licensed waste facility for friable or non-friable asbestos waste as evidence of proof of proper disposal within 7 days of the issue of the receipts.

Reason: To ensure appropriate disposal of asbestos materials.

114. 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.

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

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

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

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

Reason: To prevent pollution of waterways.

Prior to release of Occupation Certificate

117. Prior to the issue of the Occupation Certificate, the consent holder is to have complied with all the conditions under the Voluntary Planning Agreement associated the approved development under Consent No. 702/2013 on the subject land at 2-8 River Road West, Parramatta.

Reason: To comply with the requirements under the Voluntary Planning Agreement.

118. Prior to the dedication of the foreshore area to Council, all sediment and erosion measures are to be implanted so as not result in the potential erosion to the land within proximity of the 1.5 metre wide footpath. Details of the sediment and erosion control measures are to be submitted to Council and the PCA.

119. The foreshore area as illustrated in the approved plan (Site Analysis. Project No. 1513. Drawing No. A02. Issue 06.) is to be dedicated to Council prior to the issue of the Occupation Certificate at no cost to Council. Council's Asset Strategy and Property Management are to be contacted to facilitate the dedication.

Reason: For floodplain management purposes.

120. 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.
121. 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. 505208M, will be complied with prior to occupation.
Reason: To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.
122. 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.
123. In accordance with Clause 162B of the Environmental Planning and Assessment Regulation 2000, the Principal Certifying Authority that is responsible for critical stage inspections must make a record of each inspection as soon as practicable after it has been carried out. Where Council is not the PCA, the PCA is to forward a copy of all records to Council.

The record must include details of:

- (a) the development application and Construction Certificate number;
 - (b) the address of the property at which the inspection was carried out;
 - (c) the type of inspection;
 - (d) the date on which it was carried out;
 - (e) the name and accreditation number of the certifying authority by whom the inspection was carried out; and
 - (f) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.
124. Works-As-Executed stormwater plans shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate, certifying that the stormwater drainage system has been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that the following documentation is completed and submitted:
- The Work-As-Executed plans are prepared on the copies of the approved drainage plans issued with the Construction Certificate and variations are marked in red ink.
 - The Work-As-Executed plans have been prepared by a registered surveyor certifying the accuracy of dimensions, levels, storage volumes, etc.

- As built On-Site Detention (OSD) storage volume calculated in tabular form (depth verses volume table).
- OSD Works-As-Executed dimensions form (refer to UPRCT Handbook).
- Certificate of Hydraulic Compliance from a qualified drainage / hydraulic engineer (refer to UPRCT Handbook).
- Approved verses installed Drainage Design (OSD) Calculation Sheet.
- The original Work-As-Executed plans and all documents mentioned above have been submitted to Council's Development Services Unit.

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

125. 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.

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

Reason: To ensure maintenance of on-site detention facilities

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

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

Reason: To comply with legislative requirements

128. 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.

129. The artworks shall be installed in accordance with the approved arts plan. The artworks are to be prepared by artists. On completion of the artwork design stage, the applicant is to submit all additional documentation to Council and the Principal Certifying Authority detailing the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management prior to its implementation.

The works incorporated in the arts plan are to be installed to the satisfaction of the Principal Certifying Authority prior to the release of an Occupation Certificate.

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

130. 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.

131. Submission of a letter confirming satisfactory arrangements have been made for the provision of electricity services from Endeavour Energy or an approved electricity provider.
Reason: To ensure appropriate electricity services are provided.
132. A Travel Plan is to be prepared prior to the issue of an Occupation Certificate. The Travel Plan is to be prepared in accordance with Section 3.6.1 – Sustainable Transport of Parramatta Control Plan 2011.
Reason: To ensure compliance the requirements of PDCP 2011.
133. In executing the public art works, the consent holder is to engage Milne and Stonehouse to develop site specific artworks namely being 7.2 and 7.4 to the proposed themes, scale, location and treatment areas outlined in the Arts Plan.
134. The grass verge must be reinstated with a graded uniform cross fall, using clean uniform topsoil and rolled turf.
Reason: To ensure restoration of environmental amenity.
135. 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.
136. Prior to the issue of the occupation Certificate, the applicant must recognise and create where it is applicable; a restriction –on-use on the title of the subject property. The restriction is to be over the 100 year ARI flood zone identified in the Flood Impact Assessment report by ‘Cardno’ engineering consultants dated 24 Oct 2013 and must prevent the placement of any structures, walls, fences, fill or other items which may impede the 100 year ARI flood, within that zone (other than what is approved in this Development Consent). Parramatta City Council is to be named as the Authority whose consent is required to release, vary or modify the restriction.
Reason: To protect the environment.
137. The habitable floor level for the proposed buildings shall be minimum 0.5 m above the 1 in 100 year flood level. Certification of compliance with approved floor level by Registered Surveyor shall be provided to the Principal Certifying Authority upon completion of the ground floor.
Reason: To ensure that the building level is in accordance with the approval.
138. Prior to the issue of the Final Occupation Certificate, the Principal Certifying Authority shall ensure that the final Flood Emergency Evacuation Management Plan and Emergency Response Procedure report incorporate an effective evacuation process and procedure for egress both from the site in the early stages of a storm to upper floor evacuation during the peak of storm events.

The accredited certifier shall ensure that the recommendations of the flood report are implemented and all signage, warning systems and the Emergency Evacuation Plan are installed and certified appropriately. The warning signs are to be displayed in visible locations.

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

139. An Operational Management and Maintenance Report is required to be lodged with the Occupation Certificate application as a separable section of the Stormwater Drainage Plan to provide an outline of the proposed long term operational management and maintenance requirements of the stormwater system on the site. As a guide the maintenance report is required to cover all aspects of on-site facilities associated with the management of stormwater quality and is to outline the following requirements:
- (i) aims and objectives (including water quality and filter media parameters);
 - (ii) a plan showing the location of the individual components of the system
 - (iii) manufacturer's data and product information sheets for any proprietary products
 - (iv) location of inspection and monitoring points shown clearly on the plan
 - (v) describe inspection/maintenance techniques and the associated rectification procedures
 - (vi) A schedule or timetable for the proposed regular inspection and monitoring of the devices, (Council recommends a visual inspection at least 3 times per year between October and May the following year, with a maximum of 3 months between successive inspections). Inspection should be made not less than 24 hours and not more than 72 hours after the cessation of rainfall if the total rainfall on any day exceeds 30mm
 - (vii) record keeping and reporting requirements
 - (viii) review and update requirements

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

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

140. The applicant's arboricultural service provider is to remove the street trees located in the River Road West street frontage. 18x *Backhousia citriodora* (Lemon-scented Myrtle) are to be supplied in a 45L container and planted with a setback of 12 m from the corner and 3 m from the driveway.

Reason: To ensure restoration of environmental amenity

141. Following the decommissioning of the underground storage tank and prior to the issue of the Occupation Certificate, a clearance certificate is required to be submitted to Council as well as NSW WorkCover confirming that the underground storage system has been decommissioned by a "duly qualified person" in accordance with Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008 and Australian Standard: 4976 - 2008: Removal and Disposal of Underground Petroleum Storage Tanks and the Department of Environment and Climate Change (DECC) Contaminated Sites Guidelines for Assessing Service Station Sites, 1994.
142. The applicant is to engage an NSW EPA accredited site auditor to undertake an independent assessment of the site investigation (remediation) or (validation) report to address the requirements of section 47(1) (b) of the Contaminated Land Management Act 1997. A site audit statement is to be submitted to the satisfaction of Council and the principal certifying authority on the completion of remediation works and prior to the issue of any Occupation certificate.
Reason: To ensure the contamination assessment report has adhered to appropriate standards, procedures and guidelines
143. 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.
- Reason:** To ensure provision of adequate waste storage arrangements
144. Prior to the issue of the occupation certificate, a convex mirror is to be installed within the ramp access (one near the entry driveway & one at the bottom of the ramp access) with its height and location adjusted to allow an exiting driver a full view of the driveway in order to see if another vehicle is coming through.
Reason: To ensure safety of drivers.

The Use of the site

145. 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.

146. 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.
147. The specific retail use or occupation of the ground floor tenancies shall be the subject of further development approval for such use or occupation.
Reason: To ensure development consent is obtained prior to that use commencing.
148. 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
149. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.
Reason: To ensure provision of adequate waste disposal arrangements.
150. The operation of the premises is not to give rise to emissions of air impurities in contravention of the Protection of the Environment Operations Act 1997. Air emissions from the premises must not cause a nuisance from odours, nor be hazardous to human health or the environment.
Reason: To prevent loss of amenity to the area.
151. 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.
152. A security card reader is to be installed at the driveway entry and exit from River Road West upon widening of the driveway and a 1m physical separator (central median) is installed. The central median (1m wide) may be installed from the property boundary to a distance of about 7m - 8m to accommodate turning and manoeuvring of a single rigid vehicle (SRV) into the on-site garbage collection and loading area. Provision of a security card reader is to comply with the Clause 3.3(b) of AS 2890.1-2004. A plan showing the location of the security is to be submitted to Council in a separate Development Application prior to final occupation of the development.
Reason: To comply with Australian Standards.
153. The residents and their visitors shall not be entitled to apply for a resident or visitor parking permits, as well as the retail tenancies shall not be eligible to apply for business parking permit.
Reason: To comply with Council's residential parking scheme.

Report prepared by:

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