

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

SUMMARY

Application details

DA No:	DA/484/2014
Assessment Officer:	Kate Lafferty
Property:	78-100 Church Street Parramatta Lot 100 DP 792374, Lot 504 DP 701136
Proposal:	Consolidation of lots, demolition and construction of a 39 storey mixed use development containing ground floor commercial/retail tenancies and 364 units over 4 levels of basement car parking
Cost of works:	\$116,563,354
Date of receipt:	29 July 2014
Applicant:	Dyldam Developments Pty Ltd
Owner:	Eco World Sydney Development Pty Ltd
Submissions received:	3 submissions received
Property owned by a Council employee or Councillor:	No
Political donations/gifts disclosed	Yes – Refer Attachment 1 (Council's Governance section notified on 7 September 2014)
Council application:	No
Issues:	Right of carriageway, upgrade of public domain
Recommendation:	Deferred Commencement Consent <ul style="list-style-type: none">- creation of rights of carriageway over Council land- public domain works- wind mitigation

Determining Authority:	The development will be determined by the Sydney West Joint Regional Planning Panel as the cost of development exceeds \$20 million
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Legislative Requirements

Zoning:	Mixed Use B4
Permissible under:	Parramatta City Centre LEP 2007
Relevant legislation/policies:	SEPP65, SEPP55 (Remediation of Land), SEPP (Infrastructure), SEPP (Urban Renewal), SEPP (Basix), Parramatta LEP2007, Parramatta DCP 2011, Parramatta Section 94A Contributions Plan
Variations:	Building depth and deep soil (RDFO) Street setbacks, frontage height, vehicle access points and unit mix (DCP2011)
Integrated development:	No
Crown development:	No
Designated development:	No

The site

Site Area:	4,778m ²
Easements/rights of way:	The submitted survey indicate rights of carriageway at the rear of the site. These rights of carriageway are located along Anderson Lane (Council owned land) from Parkes Street to the eastern section of the subject site. Not all of the subject site has a right of access. The location of the rights of carriageway will also need to be modified to cater for vehicular access to the proposed development. As such, these rights of carriageway will need to be extinguished and recreated as part of the overall development (see 'Referrals' section of this report). No other easements are identified on the survey submitted.
Heritage item:	No

In the vicinity of a heritage item: Yes – various items (see Heritage Advisor comments in the ‘Referrals’ section of the report)

Site History: See “Background” section of the report

DA history (key dates only)

29 July 2014	DA lodged
13 August to 10 Sept 2014	DA notified
2 October 2014	JRPP Briefing Meeting
22 August 2014	Status Update provided to applicant and advise of referral comments to date
9 September 2014	Amended plans submitted – Alignment Plan changes
16 September 2014	Status Update provided to applicant and request for additional information
2 October 2014	JRPP Briefing Meeting
8 October 2014	Applicant advised of JRPP Briefing comments
17 October 2014	Applicant submitted initial response to JRPP matters
11 November 2014	Design Competition Jury comments received – further issues to be addressed. Applicant advised.
19 November 2014	Status Update provided to applicant and request for additional information
24 December 2014	Amended plans submitted for Design Jury consideration
20 January 2015	Status Update provided to applicant and request for additional information
6 February 2015	Design Jury comments received
3 March 2015	Additional information submitted
31 March 2015	Request for further information (traffic)

9 April 2015

Amended basement plans submitted

13 April 2015

Final Design Jury comments received

SECTION 79C EVALUATION

SITE & SURROUNDS

The site is an irregular shaped land parcel located on the north eastern corner of the intersection of Church Street and Parkes Street, Parramatta. The site has a 110m frontage to Church Street and 55m frontage to Parkes Street. The site also has frontage to Council owned land, known as Anderson Lane at the rear of the site. This Council owned land contains a public carpark with a vehicular exit adjoining the subject site. The land slopes from the north to south with a fall of approximately 2m.

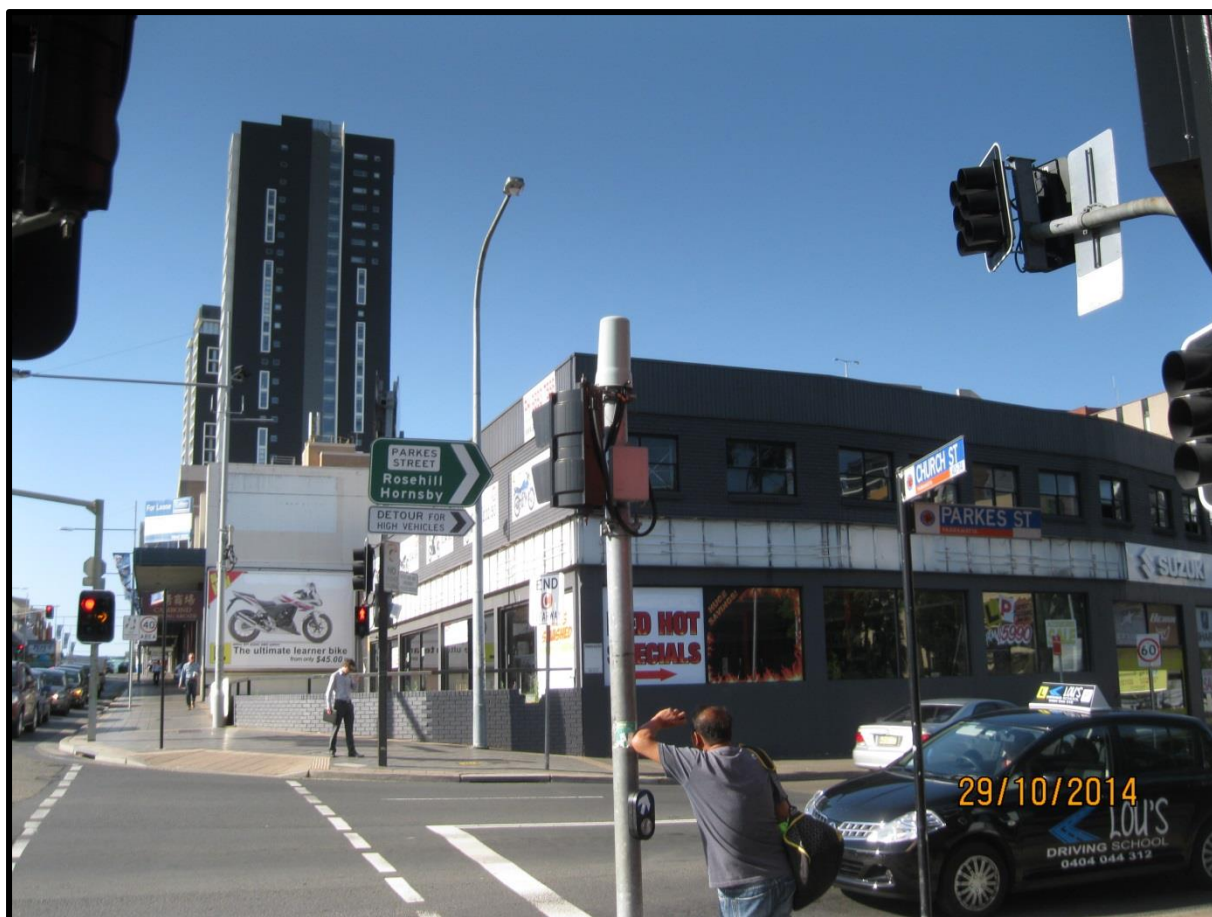
Site Area: 4,778m²

The site is located on the southern edge of the Parramatta City Centre and is in close proximity to the Westfield Shopping Precinct, Parramatta Train Station and Bus Interchange. A mix of residential, retail and commercial premises surround the subject site. The broad locality is undergoing a significant transformation towards higher density mixed uses and residential development. Currently two x 2 storey older style commercial/retail buildings are located within the subject site.

The aerial photo below shows the subject site and its relationship to adjoining properties.



Aerial Location Map (subject site is coloured red)



View of subject site (view towards NE corner of Church Street & Parkes Street)

BACKGROUND

PL/33/2013 – Pre-lodgement Meeting

A pre-lodgement meeting was held on 10 April 2013 for a mixed use development. The main issues raised in the pre-lodgement are indicated in the table below.

SIGNIFICANT ISSUES	
1.	Proposed traffic changes to the precinct
2.	Variation proposed to the FSR <ul style="list-style-type: none"> • Clause 24 • Clause 22B
3.	Design Competition Requirement
4.	Interface between the proposal and the public domain on Firehorse Lane, between the site and the Wentworth Street car park
5.	Car parking above grade
6.	PMF

The above issues have been addressed within the design competition process and the current development application.

LA/60/2014 – Architectural Design Competition

The Design Excellence Jury met on 5 May 2014 to review three competition schemes as part of an architectural design competition for the site. After presentation of the schemes, the Jury concluded that none of the schemes had achieved design excellence, but with additional design development and amendments, the scheme by Gilsenan Associates had the potential to achieve design excellence.

The Jury required work to be undertaken by the architects before a follow up presentation to the Jury was made, to reassess whether the developed concept had achieved the design excellence threshold.

The Design Excellence Jury met on 2 July 2014 to review the revised competition concept by Gilsenan Associates. The Jury noted that the revised proposal satisfactorily addressed the previous issues raised by the Jury.

The Jury concluded the following:

The success of the proposal, which employs a restrained palette and suite of refined details, relies on the concept being design developed, documented and coordinated with much consideration by the design team. The jury is satisfied, based on the revised designs presented, that the revised concept passes the design excellence threshold.

The jury should review the full DA submission package, and the CC documentation package, in order to provide Parramatta City Council with advice on whether the developed design aligns with the design concepts presented and the commitments to a high quality outcome made at the first and second design presentations.

The DA submission package was referred to the Design Jury for review in accordance with their recommendation. The Design Jury responded on 6 February 2015 with the following comments:

The design arrangement of the building is generally supported and is assessed by the Jury as having achieved a design excellence standard.

It should be noted that some concerns remain on three components of the design, all of which have been raised previously with the proponent. However, there does not appear to have been any significant consideration or revision to these aspects of the proposal that has convinced the Jury that these matters have been appropriately addressed. Therefore, the Jury recommends that the design is represented to Council at the Construction Certificate stage.

The matters raised by the Design Jury related to thermal comfort on the occupants of the building, façade design and landscaping to the podium areas. Although the Jury

recommended that these matters could be dealt with at the construction certificate stage, Council officers were of the opinion that these matters should be resolved at the DA stage. It was considered that certainty of the retention of design excellence could not be guaranteed with these matters if they were conditioned.

The applicant submitted further information to address the above matters. This was forwarded to the Design Jury for consideration. The Design Jury responded on 13 April 2013 advising as follows:

On review of the additional documentation provided, I confirm that the Jury is satisfied that the project meets the threshold for design excellence.

We would like to thank the proponent, their architect and the design team for the efforts made to address issues raised by the Jury, and their commitment to delivering a high quality outcome for Parramatta.

It is therefore considered that the proposed development has achieved design excellence and there are no outstanding matters in relation to the Design Jury requirements.

THE PROPOSAL

Approval is sought for the consolidation of lots, demolition and construction of a 39 storey mixed use development containing ground floor commercial/retail tenancies and 364 units over 4 levels of basement car parking.

The details of the proposed new building are as follows:

- Construction of a 5 storey podium level containing commercial/retail on the ground floor with residential units and communal open space above
- Construction of a 34 storey residential tower above the podium
- 4 levels of basement parking containing 427 car spaces accessed from the proposed right of carriageway located at the eastern side of the property
- The proposed mixed use development includes a total of 1,242m² of commercial/retail floor space
- The proposed mixed use development includes 364 residential apartments. The proposal has the following dwelling mix:
 - 90 x1 bedroom units (25%)
 - 256 x 2 bedroom units (70%)
 - 18 x 3 bedroom units (5%).
- The application does not seek approval for strata subdivision.



Photo montage of proposed development (view north along Church Street)

PERMISSIBILITY

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

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

The proposal includes ground floor non-residential uses such as for retail and commercial purposes, whilst the floors above contain residential apartments. The relevant definitions are listed below:

- **business premises** means a building or place at which an occupation, profession or trade (other than an industry) is carried on for the provision of services directly to members of the public on a regular basis.
- **retail premises** means a building or place used for the purpose of selling items by retail, or for hiring or displaying items for the purpose of selling them by retail or hiring them out, whether the items are goods or materials (or whether also sold by wholesale).
- **residential flat building** means a building containing 3 or more dwellings.

The proposal satisfies the definition of a “mixed use development” and all proposed uses are permissible with consent under the B4 Mixed Use zoning applying to the land.

SYDNEY WEST JOINT REGIONAL PLANNING PANEL

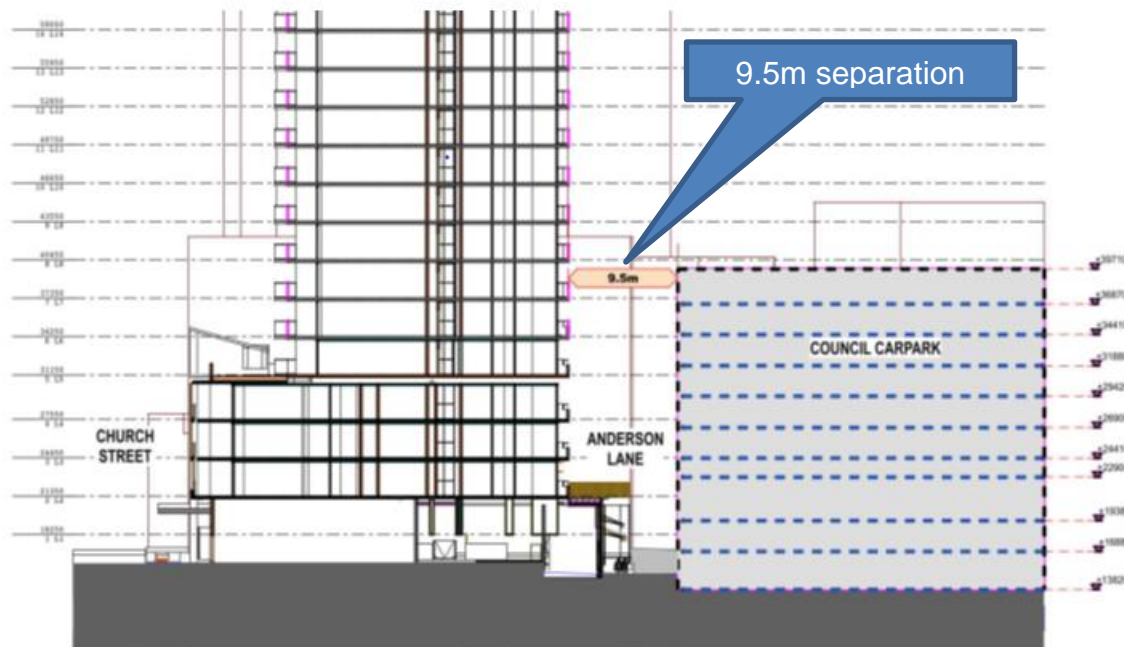
The development will be determined by the Sydney West Joint Regional Planning Panel (JRPP) as the cost of development exceeds \$20 million.

The application was considered at the JRPP Briefing Meeting on 2 October 2014. At that meeting the JRPP panel members raised suggested issues to be addressed by the applicant and Council officers. These issues are discussed below.

JRPP Concern	Applicant's Response	Planning Comment
<p>Additional Artwork</p> <p>Concern was raised regarding the views from the proposed development to the Council car park and the level of amenity for occupants overlooking the car park.</p> <p>Consideration is to be given to amending the Arts Plan to incorporate additional artworks to the Council car park to improve the visual amenity for future occupants of the proposed development. The artwork would also assist in activating the area from a CPTED perspective.</p>	<p>There is no in principle objection to the proposal by the JRPP to incorporate artwork into the adjoining site, which is owned by Council. However, there is a practical matter that would prohibit this from occurring immediately, though it is to be investigated further.</p> <p>The subject site has been purchased, conditional upon DA approval, by another company. Accordingly, it is not contractually possible for the current applicant to commit to negotiations with Council for the installation of artwork on the adjoining carpark site.</p>	<p>Refer to comments below which address the concern regarding separation distances between the proposed development and Council's carpark.</p> <p>It is noted that a draft masterplan for the Southern Precinct has already identified artwork opportunities on the Council carpark, which includes the painting of existing façade bars and installation of art panels on the lower section.</p> <p>Council's Arts Planner has reviewed the proposed Arts Plan for this DA and is</p>

	<p>Notwithstanding this contractual restriction, Think Planners have been engaged by the future owners to undertake additional planning work for the site and we have held an initial discussion with Council urban designers about progressing this matter further, once the new owners are in possession of the site, following the DA approval. Our discussions to date confirm that Council would be prepared to discuss such an opportunity, though it would require careful negotiations that would necessarily cover matters such as urban design, owners consent, cost agreements, maintenance obligations, approval pathway, handover of artworks to Council, type of artwork, etc.</p>	<p>satisfied with the extent of artworks proposed, including that to be incorporated in Anderson Lane.</p> <p>It is noted that the Arts Plan does not include works to the external façade of the carpark.</p>
<p>Privacy Impacts & Relationship to Car Park</p> <p>Concern was raised with the relationship of the Council car park with the proposed development, particularly with respect to visual and acoustic privacy (in addition to the visual amenity impacts discussed above).</p> <p>The applicant is required to submit cross-sections showing the relationship and distance between the units and the Council car park. This is particularly important in terms of the relationship between private open space/habitable areas and the car park.</p>	<p>It is noted that there are 3 apartments on each level adjacent the carpark, on the eastern side of the tower, that may be impacted by the Council carpark in terms of visual and acoustic privacy.</p> <p>An assessment of the acoustic privacy to these apartments has been undertaken and is submitted with this application.</p> <p>It should be noted that the application as submitted proposed louvres and screens on the subject apartments to directly address the issue of visual privacy and headlight glare impacts. Further, the first 9 levels of the tower propose solid balconies facing the carpark.</p> <p>The design team had identified this concern in the design of the</p>	<p>The applicant has provided cross sections indicating the separation distance between the proposed development and the Council carpark (refer to cross section shown below).</p> <p>As mentioned above, Council's Urban Designers provided advice at the pre-lodgement stage that the proposed building is recommended to be setback to achieve 6m inter-building separation to the car parking structure. The proposed development has a minimum 9.5m setback on the eastern elevation which exceeds this recommendation.</p> <p>The applicant submitted additional acoustic advice which states that following</p>

	<p>proposal and operable louvre screens were considered the best method of responding to the potential impact as they can provide visual privacy or be opened for ventilation, and louvres are a seem less addition to the visually presentation of the building. It is relevant to note that the carpark is used primarily in the day time to service the CBD workforce and the apartments are likely to be primarily occupied in the evenings. Though the potential for conflict exists, the peak occupation for each use tends to be at different periods of the day.</p>	<p>some preliminary calculations, the expected noise emanating from the car park during mass exodus is likely to give rise to car park noise intrusion and impact on residents occupying the new residential premises of the subject development band it is likely that acoustic glazing will be required. Details of the acoustic glazing thickness will be provided following completion of the unattended noise survey and in conjunction with attended monitoring taken along the periphery of the existing building adjacent to the subject car park. A condition to this effect has been imposed in the Recommendation section of this report.</p>
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Section through tower & Council carpark prepared by Gilsenan Architects (15/10/2014)

<p>Amount of Commercial Development</p> <p>Concern is raised that the proposed development does not provide a sufficient amount of</p>	<p>We have discussed in previous correspondence with Council that during the design evolution of the</p>	<p>The applicant was advised that Council officers raise no objection to an increase in</p>
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<p>commercial floor space, particularly as this site is located within the Commercial Core of the City.</p> <p>Consideration of this matter is to be addressed by the applicant.</p>	<p>development that there was a greater proportion of commercial floor space provided in the podium, however, it was the view of Council that it may be preferable to provide residential apartments in this area.</p> <p>The design evolved to incorporate residential apartments in this area, which was accepted in the awarding of Design Excellence to the scheme.</p> <p>Consideration has been given to providing additional commercial floor space in the tower. However, the provision of commercial floor space acceptable to the market and of any reasonable commercial grade would necessitate radical alterations to the scheme to provide –</p> <ul style="list-style-type: none"> - separate commercial lobby - separate commercial lifts - adjustment of floor to floor heights. <p>Radical amendments to the scheme are not considered acceptable, particularly having regard to the proposal being awarded design excellence on the basis of the proposed arrangement of floor space.</p>	<p>commercial space within the development. It is considered that additional commercial space could be provided on Levels 2-4 within the tower. This would also assist with reducing the number of residential apartments overlooking the car park. It is also an area where additional active recreational activities could be located.</p> <p>The applicant does not wish to provide additional commercial floor space within the proposed development. Council officers raise no objection to the amount of commercial floor space proposed as part of the current application.</p> <p>There are no development standards or controls which stipulate the amount of commercial floor space required to be provided within the B4 mixed use zone applying to the site. It is considered that the proposal provides for an acceptable amount of retail/commercial (with 21 x tenancies), ample activation of 3 street frontages and the incorporation of an arcade as a through site link.</p>
<p>Unit Mix</p> <p>Concern was raised as to whether the unit mix is appropriate, given the low number of 3 bedroom units proposed.</p> <p>The applicant should either increase the number of 3 bedroom units within the development, or provide a detailed planning justification as</p>	<p>The revised apartment mix is as follows -</p> <p>90 x 1 bedroom units (25%) 256 x 2 bedroom units (70%) 18 x 3 bedroom units (5%).</p> <p>The number of 3 bedroom units is appropriate given there is still a diverse mix of dwellings that contributes to housing choice, consistent with the objective of</p>	<p>The applicant was advised that the number of 3 bedroom apartments should be increased to represent at least 5-10% of the units, and be accompanied with an appropriate planning response as to why a minimum of 10% cannot be achieved.</p>

to why the percentage of 3 bedroom units should not be increased.	<p>the control.</p> <p>The dwelling layouts provide for high levels of residential amenity and 36 adaptable dwellings are provided.</p> <p>Given the observed trend towards smaller household sizes the provision of additional 1 and 2 bedroom units are considered appropriate and also serves to contribute to housing affordability in terms of both private purchase rental cost which is a key issue facing the Parramatta LGA. Importantly, we note that the proposal is consistent with a number of other developments recently approved in the City Centre that exhibit similar unit mix.</p>	The applicant has slightly increased the number of 3 bedroom units which is considered acceptable.
<p>Open Space Provision</p> <p>Concern was raised with the lack of open space embellishments provided on site, particularly in relation to the provision of active common areas (eg. pools, tennis courts, gymnasiums, common rooms etc).</p> <p>Consideration is to be given to increasing the communal open space on site.</p>	<p>It is noted that the proposal now incorporates active open space in the form of a gymnasium on Level 1. The client has indicated that their preference is not to provide a swimming pool on the podium, but rather passive open space areas throughout the site on various levels. The addition of the gymnasium provides a broader range of recreational offer on the site.</p> <p>It is noted that the common passive recreational areas are plentiful, as follows:</p> <p>Level 1: 810m2 Level 2: 400m2 Level 5: 1630m2 Level 39: 166m2 Total: 3006m2 (63% of site area).</p>	<p>It is considered that the proposed development provides for an acceptable level of open space. The incorporation of the newly added gymnasium has increased the active open space available on site.</p> <p>Given the proximity of the site to the City centre and nearby Jubilee Park, the existing recreational facilities within the area assist in supplementing the opportunities for a variety of recreational uses for the future occupants of the site.</p>
<p>Delivery Vehicles</p> <p>Concern was raised with the potential conflict of the internal delivery vehicle access/manoeuvrability and the pedestrian flow through the site.</p>	The concerns raised in relation to traffic management have been addressed through the preparation of a Traffic Management Plan for the site,	A Service Vehicle Management Plan has been submitted which addresses the safety aspects of pedestrian and vehicular

<p>Concern was also raised with whether the delivery vehicles could enter and exit the site in a forward motion.</p> <p>Consideration of these matters are to be addressed by the applicant.</p>	<p>which is submitted with this letter. Resolution includes a range of measures, such as traffic signals, to provide adequate levels of service and clear signposting for pedestrians and vehicles.</p>	<p>conflict across the pedestrian thoroughfare. This plan indicates how all service vehicles can manoeuvre to enter and exit the site in a forward direction. The plan also discusses the use of roller shutters, warning signals, mirrors, driver signage and use of differing paving materials to minimise any potential pedestrian and service vehicle conflict.</p>
<p>Building Depth</p> <p>Concern was raised with respect to the non-compliance of the building depth requirements of the RDFC and DCP2011.</p> <p>The applicant is required to address this issue.</p>	<p>The proposal has been prepared consistent with the RFDC requirements and has been awarded with Design Excellence.</p>	<p>The building has a maximum depth of 28m and a dwelling depth which varies between 8m-13m for the majority of the dwellings.</p> <p>It is not uncommon for buildings to exceed the maximum building depth of between 10-18m under the RDFC.</p> <p>DCP2011 provides controls on building depth and bulk. This control states that within a B4 zone, a residential building plate is not to exceed 1000m².</p> <p>The proposed development complies with Council requirements as the maximum residential floor plate is 710m² (eg. Levels 37-38). In addition, it is considered that sufficient light and ventilation is provided to the future occupants of the site.</p> <p>The proposed building depth is therefore considered acceptable.</p>
<p>RMS Issues</p> <p>Concern was raised as to whether issues raised by the</p>	<p>The applicant has provided details as to how they have</p>	<p>Council's Traffic and Transport Engineer has</p>

RMS have been addressed.	complied with the RMS concerns raised.	reviewed the application in accordance with the matters raised by the RMS, and found the application to be acceptable. This matter is discussed in further detail within the 'Referrals' section of this report.
Flooding Concern was raised as to whether the basement car park of the proposed development was adequately protected from flooding.	Please refer to the submitted Flooding Report that confirms as follows: <i>"The entrance level to the basement car park is above the flood planning level and the probable maximum flood (PMF) level".</i>	The threshold level for the entrance ramp to underground parking is 12.49m AHD. This level is approximately 1m above the 100 year ARI level and 100mm above the PMF level. This will provide adequate protection to all basement parking up to and above the PMF, fulfilling Council's requirements.
Location of objectors to be clarified Concern was raised that the location of the persons who lodged an objection was not clearly indicated.	-	A locality map with the objector's properties identified has been provided as part of this assessment report.

EXTERNAL REFERRALS

Design Competition Jury

The application was referred to the Design Competition Jury in accordance with their competition recommendations. This matter has been addressed in detail within the 'Background' section of this report. It is considered that all Design Jury requirements have been satisfied.

NSW Roads & Maritime Services

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

Correspondence dated 10 September 2014 was received from the RMS advising as follows:

Roads and Maritime has reviewed the submitted documentation and raise no objection to the Application. Roads and Maritime has the following comments for Council's consideration in the determination of the application:

1. *The proposed access control at the basement parking with a roller shutter and key cards system will increase the likelihood of delays in getting within the property. During peak time this issue can cause queuing to spill back onto Parks Street. Therefore, provision should be made to have the intercom placed near the driver side which would reduce the response times and thereby the likelihood of any queue spillback.*
2. *The proposed basement ramp shall be designed to Australian Standards and allow adequate sight lines for motorists exiting the carpark to any pedestrians on the footpath reserve.*
3. *The car parking provision is to be to Council's satisfaction.*
4. *A Loading Dock Management Plan should be prepared for the management of the interaction of pedestrians and vehicles in the loading area at the rear access of the subject site, appropriate measures shall be implemented to prevent conflicts with pedestrian movements and delivery vehicles. This plan should be submitted to Council for review and approval.*
5. *The layout of the proposed car parking areas associated with the subject development (including, driveways, grades, turn paths, sight distance requirements, aisle widths, aisle lengths, and parking bay dimensions) should be in accordance with AS 2890.1- 2004 and AS 2890.2 - 2002 for heavy vehicle usage.*
6. *The swept path of the longest vehicle (including garbage trucks) entering and exiting the subject site, as well as manoeuvrability through the site, shall be in accordance with AUSTROADS. In this regard, a plan shall be submitted to Council for approval, which shows that the proposed development complies with this requirement.*
7. *The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD2012/001.*

The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime.

The report and any enquiries should be forwarded to:

*Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114
Fax 8849 2766*

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the

intention to excavate below the base of the footings. The notice is to include complete details of the work.

- 8. A Construction Traffic Management Plan detailing construction vehicle routes, number of trucks, hours of operation, access arrangements and traffic control should be submitted to Council prior to the issue of a construction certificate.*
- 9. All vehicles are to enter and leave the site in a forward direction.*
- 10. The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the above work and as required by the various public utility authorities and/or their agents.*
- 11. Council should ensure that the post development storm water discharge from the subject site into the Roads and Maritime drainage system does not exceed the pre-development discharge.*
- 12. All works/regulatory signposting associated with the proposed development shall be at no cost to Roads and Maritime.*

Planning Comment: The above matters have been considered by Council's Traffic and Transport Engineer and the application is found to be acceptable. Appropriate conditions have been imposed within the Recommendation section of this report.

Endeavour Energy

The application was referred to Endeavour Energy for comment. Correspondence dated 14 August 2014 was received from Endeavour Energy advising as follows:

Endeavour Energy has no objections to the development application applicable to this site. It should be noted however there is one existing indoor substation on this site supplying the present building.

The new development will require the existing substation to be decommissioned and removed along with any high voltage cable works necessary to maintain supply to the rest of the electricity grid in this location.

Any asset relocation works will need to be funded by the developer as it appears that some high voltage cables may be impacted by the development footprint.

It is noted that Anderson Lane is also fronted by other Endeavour Energy indoor substations. It is imperative that access to these indoor substations by Endeavour Energy crews and plant is maintained during the whole construction period of this development. Any indication this cannot be achieved should be discussed with Endeavour Energy prior to the development commencing.

Planning Comment: A condition has been included in the Recommendation reflecting the requirements of Endeavour Energy.

INTERNAL REFERRALS

Heritage Advisor

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

The site of proposed development is not of heritage interest in its own right, however, it is in the vicinity of several listed items, including:

- 47 Campbell Street
- 39 Campbell Street (State item)
- 21 Wentworth Street
- 140 Church Street.

Due to the height of the proposed development, some additional over-shadowing will inevitably occur, particularly to the item at 47 Campbell Street. However, given the separation between sites, and given the densely developed nature of the existing urban context, it is deemed that the significance of these items will not be unacceptably impacted by the proposed development.

Based on the above, I have no objections to this proposal from heritage perspective.

Planning Comment: The shadow diagrams submitted with the application indicate that there is **no** additional overshadowing of the heritage item at 47 Campbell Street. It is noted that there is no objection raised to the proposed development from a heritage perspective.

Traffic Officer

The application was referred to Council's Traffic Officer who carried out a detailed review of the application. The standard traffic assessment results in a satisfactory outcome, and the following extraordinary issues are discussed below.

Other Issues

1. *The applicant will be required to provide a pedestrian phase (including lantern, kerb ramps, line marking and all associated works) across the northern leg of the traffic signals at the intersection of Great Western Highway and Church Street to accommodate pedestrian traffic generated by the development. The provision of this pedestrian phase is to be to the satisfaction of Roads and Maritime Services.*

The applicant has made the following comments in relation to this recommendation:

This is reasonable as long as RMS approves it. Council cannot impose it as a consent condition because they do not have the power - it is an RMS responsibility. They can have a condition recommending it, subject to RMS consent, as long as any failure of the RMS to grant consent does not impact on the basic development consent. For this reason I strongly disagree with the

suggested wording that the provision of this facility is required prior to Occupation Certificate. I have not reviewed the signal phasing in the light of this suggestion, but the RMS would not want such a pedestrian facility to unduly affect intersection capacity. It is clearly a good idea, but RMS need to approve it.

RMS supports the installation of pedestrian phasing on Church Street at the northern leg of the signalised intersection. Note that Church Street is a local road and therefore, Council has authority to impose a condition in relation to traffic facilities on its local roads.

- 2. Civil works including but not limited to raised threshold, cobblestone pavements, realignment of kerb and gutter and raised footpath treatment for shared zone and safe vehicle access to the property is to be constructed on the service lane located on the east side of the property boundary (refer to the concept plan in Figure 2 at the end of this report). The provision of the shared zone phase is to be to the satisfaction of the Roads and Maritime Services. Detailed design plans of the median island are to be submitted to Council's Service Manager - Traffic and Transport for consideration and approval prior to the release of the construction certificate. All costs associated with the supply and installation of the shared zone are to be paid for by the applicant at no cost to Council.*

The existing lane layout requires modification to accommodate 2 driveways for the proposed development (refer to the aerial view below). Note that the laneway is within Council's operational land.

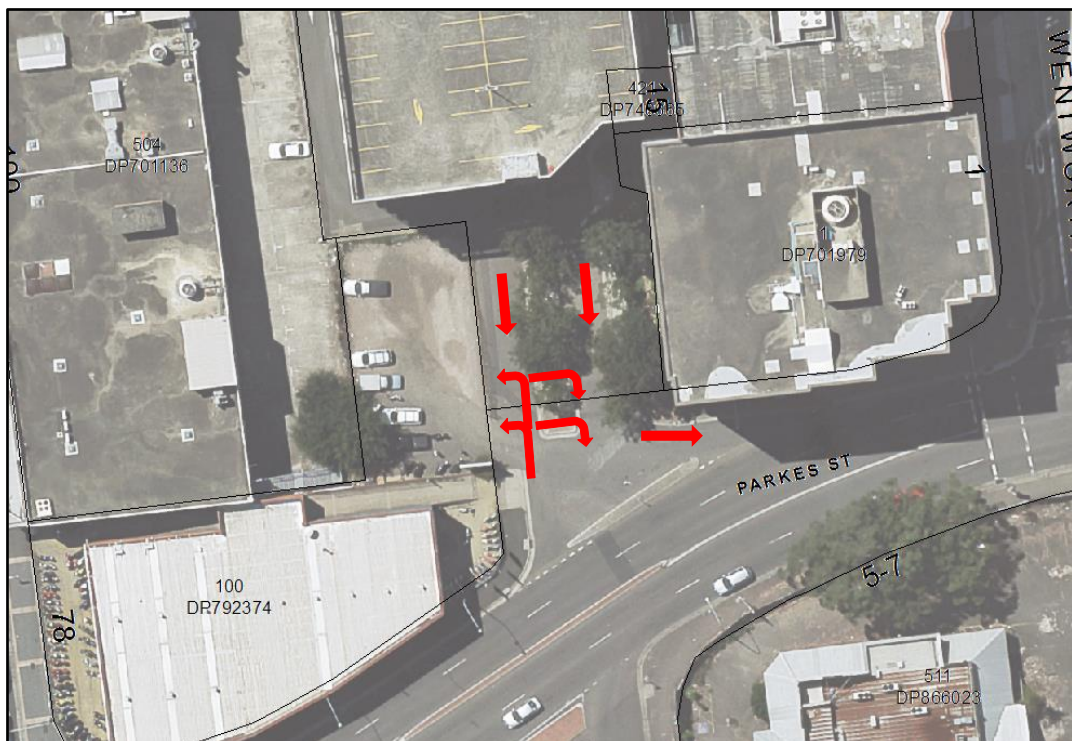


Figure: Direction of traffic and site access at rear lane

- 3. Any outdoor dining in Parkes Street, within the development site, should require a separate Development Application to Council.*

Conclusion

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

Planning Comment: It is noted that the civil works within the laneway are further discussed within this report. The recommended conditions of Council's Traffic Officer are incorporated within the Recommendation section of this report.

Tree Management & Landscape Officer

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

The proposed landscape concept plans and Landscape Design Statement are considered satisfactory and can be supported. The planting palette is considered acceptable for the style of development, however detailed plans including plant numbers have not been provided at DA stage. It shall be conditioned that this be provided to the PCA prior to issue of the CC.

There is one small tree located within the rear of the site that is required to be removed. This tree is a self-sown species of low amenity value.

All works within the public domain shall be assessed and specified by Council's Urban Design team and Civil Assets team.

Planning Comment: Separate comments have been received from Council's Urban Design and Civil Assets teams regarding the public domain works, and are discussed further within this report. The recommended conditions of Council's Tree Management & Landscape Officer are incorporated within the Recommendation section of this report.

Development Engineer

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

The site stormwater discharge pipe is proposed to connect into the existing drainage pit in Parkes Street. It is to be conditioned that a boundary pit is to be provided and shown on the final drainage plan for future maintenance.

The on-site detention tank is proposed to be located between level (1) and the ground level as shown on the concept drainage plan.

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

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

Public Arts Officer

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

Milne and Stonehouse are to be commended for the focus on currency with contemporary Parramatta, the conceptual framework and the art works suggesting integration with the built environment. The concept of 'breath' and reference to the 'little Chinatown' at the end of Church St are in particular to be commended as it reflects today's audiences and themes.

Some reassurances will be needed that the Arts Plan will be implemented and artworks installed prior to occupation of the site, as required in the conditions of consent.

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

Environmental Health Officer

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

Contamination:

The site is potentially contaminated. The spoil removed from the excavation may require treatment prior to disposal or disposal in accordance with EPA Guidelines. Contamination may have migrated off site. Contamination may have entered the groundwater system. There are gaps in the site's history, but it is still considered that there is only a low to moderate risk of contamination. The residual soil of the site is silty clay up to 7m in depth, which would slow migration of contaminants – if any.

The site investigation report recommends "In the case that UST's are identified on the site during demolition and excavation of the site as part of the proposed redevelopment, Coffey recommends that a soil assessment be carried out in the vicinity of the storage tank/s to assess the presence of contamination within the subsurface." They have also recommended that "soil assessment be carried out for waste characterisation to allow for appropriate disposal of fill .."

Groundwater:

Low potential for seepage according to the Geotechnical report. However any seepage disposal should be managed.

Stormwater:

Standard conditions as 4 car wash bays have been proposed.

Asbestos:

Not mentioned in the application. Likely to occur during demolition phase.

Acoustics:

The BCA addresses potential noise issues between apartment holders as well as building services. The Acoustic consultant assessed traffic noise impact on apartment occupants and made recommendations on structural materials. It is not clear if their materials have actually been chosen to be used in the construction of the building. The indoor criteria, if the acoustic consultant's recommendations are put in place, complies with the 'NSW Government Department of Planning Development New Rail Corridor and Busy Roads – Interim Guidelines 2008' objectives.

Planning Comment:

The recommended conditions of Council's Environmental Health Officer for all matters discussed above are incorporated within the Recommendation section of this report. Further discussion regarding contamination issues is contained within the 'SEPP 55' section of this report.

Waste Management Officer

The application was referred to Council's Waste Management Officer who raises no objections to the proposed development subject to the imposition of appropriate conditions. The recommended conditions of Council's Waste Officer are incorporated within the Recommendation section of this report.

Civil Assets/Urban Design

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

Civil Assets

- Generally satisfied with the levels and cross sections shown on the alignments plans. Concern raised with the proposed kerb and gutter geometry for Anderson Lane. A kerb radius at the direction changes, not the hard edges shown would be preferable.
- All of the paving along the Church and Parkes Street frontages are to be replaced to the current DS40 standard.
- Anderson Lane paving should be completed as per the Fire Horse Lane paving (north of the site).

Urban Design

These outstanding issues require amendment:

- The alignment of kerb line on Anderson Lane must create a continuous footpath. Driveway crossings with City Centre footpath paving, driveway paving, and tactiles to be applied here as per DS40. Note also that a continuous layback should be applied across both driveways and that the two

kerbs lines north and south of driveways to be on the same alignment. This area must be detailed on the General Arrangement Plan series

- All hedging and planters on the ground floor are to be excluded as per previous advice
- All kerb ramps are to be 2100mm wide as per Public Domain Guidelines. Dimensions and falls to be shown on the General Arrangement Plans
- Tactile Ground Surface Indicators must be shown at corners, pedestrian crossings and driveways crossings
- At the corner of Parkes and Church Streets, cross fall are designed at 2.5% maximum from building line in line with standard condition. However, the considerable building setback (in response to future RMS road-widening) will create a pedestrian desire line cutting across the corner. Cross falls should be amended here for 2.5% maximum from RMS proposed building line to kerb
- Pedestrian crossing at the intersection of Church and Campbell street to align with arcade. Location and type of crossings must be approved by RMS.

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

Property Services Officer

The application was referred to Council's Property Services Officer who reviewed the application and provided advice on the existing rights of carriageway over Council owned land at the rear of the subject site. These rights of carriageway are located along Anderson Lane from Parkes Street to the eastern section of the subject site.

The development proposes vehicular access to the basement car park area via Council owned land. The location of the rights of carriageway will also need to be modified to cater for vehicular access to the proposed development. Given this is Council land and the lots that form part of the subject development do not all have a right of access across the Council land, the following will need to be carried out:

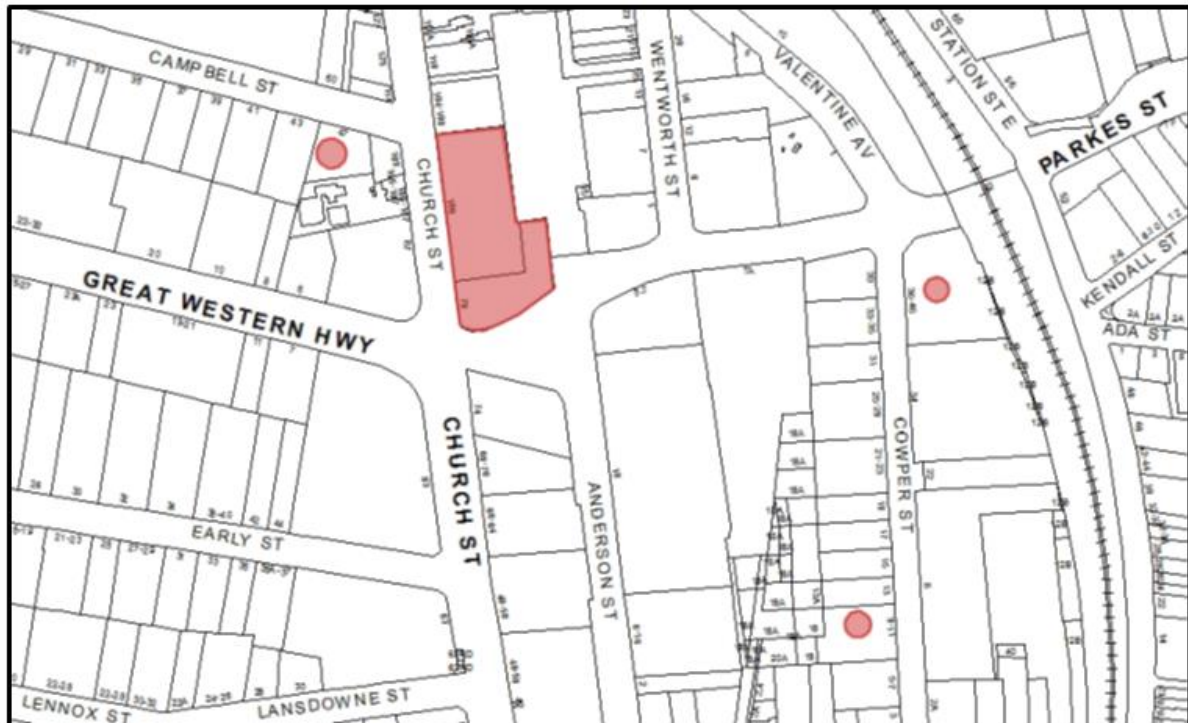
- the development lots will need to be consolidated
- the existing rights of carriageway will need to be extinguished
- new rights of carriageway will need to be created.

Council's Property section and Traffic section do not raise any concerns with the proposed access. Given there is some level of certainty with the creation of a new right of carriageway for site access, the above matters can be satisfied through a deferred commencement consent. This is included within the Recommendation section of this report.

PUBLIC CONSULTATION

In accordance with Council's notification procedures 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 13 August 2014 and 10 September 2014. It is noted that the exhibition period was extended by 1 week as an incorrect notification plan was attached to the original notification letter. In response, 3 submissions were received from properties indicated on the map below.



Submissions Map

The issues raised within these submissions are discussed below.

SUBMISSION 1 **45-47 Campbell Street – Parramatta**

This property is located approximately 40m west of the subject site.

Concern was raised with the potential increase in traffic, and traffic and pedestrian hazard at the intersection of Church Street and Campbell Street.

Planning Comment:

Council's Traffic Officer has reviewed the application in detail. The generation of additional vehicle trips during weekday peak hours by the proposed development is consistent with the anticipated development of the area and is not expected to have a significant traffic impact on Parkes Street and surrounding road networks. It is noted that there are existing traffic lights and pedestrian crossings at the intersection of Church Street and Campbell Street which will not be impacted by the proposed development.

Concern is raised with the potential overshadowing of their property.

Planning Comment: Given the location of the objector's property to the east of the top end of the subject site, and the location of the proposed tower, there will be no overshadowing of the objector's property as a result of the proposed development.

Concern is raised that the proposed development will impact on the heritage nature of their property.

Planning Comment: Council's Heritage Advisor has reviewed the application and advises that given separation distances between sites, and given the densely developed nature of the existing urban context, it is deemed that the significance of the heritage item will not be unacceptably impacted by the proposed development.

Concern is raised that the notification plan did not provide sufficient information regarding the traffic, overshadowing and heritage impacts.

Planning Comment: It is not the purpose of the notification plan to provide the plethora of information submitted with the development application. The accompanying notification letter guides the public to view the development documentation on Council's website or at the Parramatta and local libraries.

It is noted that the application was accompanied by a traffic report, shadow diagrams and Statement of Environmental Effects which were all placed on public exhibition.

SUBMISSION 2 Unit 1801/36-46 Cowper Street – Parramatta
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This property is located approximately 190m east of the subject site.

Concern is raised with the inappropriate height of the proposed development. It is out of character with the area.

Planning Comment: The proposed development is compatible with the existing and future planning controls for the City Centre. The proposal is the result of an Architectural Design Competition and is deemed to exhibit design excellence. The proposed development is therefore considered to be compatible with the area.

Concern is raised that the north western views would be blocked by the proposed development.

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

1. *Assess the views that are affected*
The objector has not identified a specific view which will be affected. It is noted that there is a general affected view to the north west towards Westmead. This view presently consists of a series of scattered high and low density housing and commercial development with no particularly significant or iconic structures reported by the objector from the site.
2. *Consider from what part of the property the views are obtained*
The objector has not identified what part of the property is affected by the view loss, however it appears (from sighting the approved floor plan) that the affected views are obtained from balconies.
3. *Consider the extent of the impact*
Views to the north-north west and west are likely to be maintained given the location of the proposed development.
4. *Consider the reasonableness of the proposal that is causing the impact*
The proposed development complies with the floor space and height controls that applies to the subject site. Therefore, the impact upon the view is not a result of the non-compliance of the height.

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

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

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

Concern is raised that the objector's property would be overshadowed from 3pm onwards during Summer.

Planning Comment: The shadow diagrams submitted indicate that there is no overshadowing of the objector's property between 9am to 3pm during any time of the year. General planning

controls do not consider overshadowing of properties beyond 3pm, particularly outside of the Winter solstice.

SUBMISSION 3 Unit 21/9-11 Cowper Street – Parramatta

This property is located approximately 230m south-east of the subject site.

Concern is raised with the traffic impact this proposal will have on the surrounding streets.

Planning Comment: Council's Traffic Officer has reviewed the application in detail. The generation of additional vehicle trips during weekday peak hours by the proposed development is consistent with the anticipated development of the area and is not expected to have a significant traffic impact on Parkes Street and surrounding road networks.

AMENDED PLANS

Yes

Summary of amendments

The plans were amended to carry out a minor change to the unit mix and incorporate a gymnasium within the development. Internal basement changes were also carried out to comply with the car parking and access requirements of the Australian Standard.

Amended Plans re-advertised or re notified

No

Reason amendments not renotified

In accordance with the notification procedures contained within Clause 5.5.9 of DCP2011 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.

A Stage 1 Site Contamination Assessment prepared by Coffey was submitted with the application. The results of the Stage 1 Site Contamination Assessment identified the following potential sources of contamination at the site:

- Fill material beneath the south-eastern and south-western corners of the site;
- Limited use of pesticides; and
- Uncontrolled wastewater releases.

The report states that based on a review of the site history and observations made during the site walkover, it was considered that the potential sources of contamination pose a low to moderate likelihood of contamination. Evidence of other potential sources of contamination, such as industrial activities/processes and the presence of hazardous building materials, were not identified.

The Contamination Assessment notes the following gaps in the site history and site characterisation were identified during this assessment:

- Visual conformation regarding the presence, or otherwise, of a UST beneath the southern portion of the motorcycle dealership
- The presence of other unknown USTs, relating to previous use of part of the site as an automotive dealership and lack of a VVorkCover NSVV dangerous goods search
- The condition of the substation and the presence, or otherwise, of surface staining
- The condition of grease traps.

Overall, Coffey considers that the site is suitable for the proposed mixed use redevelopment.

The Contamination Assessment also makes recommendations regarding further soil assessment if underground storage tanks are discovered during excavation and the characterisation of waste prior to disposal.

Council's Environmental Health Officer has reviewed the application and appropriate conditions are included within the Recommendation section of this report.

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

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

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

Development likely to affect electricity transmission or distribution networks

The application is subject to Clause 45 of the SEPP as the development does propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority. Endeavour Energy have provided a referral response which raises no objection to the proposed development subject to appropriate conditions. Details of this correspondence is discussed within the 'Referrals' section of the report.

Development with frontage to a classified road

Parkes Street is classified as a regional road. Accordingly, Clause 101 of the SEPP applies to the proposed development, requiring the consent authority to ensure that:

- (a) where practicable, vehicular access to the land is provided by a road other than the classified road, and
- (b) the safety, efficiency and ongoing operation of the classified road will not be adversely affected by the development as a result of:
 - (i) the design of the vehicular access to the land, or
 - (ii) the emission of smoke or dust from the development, or
 - (iii) the nature, volume or frequency of vehicles using the classified road to gain access to the land, and
- (c) the development is of a type that is not sensitive to traffic noise or vehicle emissions, or is appropriately located and designed, or includes measures, to ameliorate potential traffic noise or vehicle emissions within the site of the development arising from the adjacent classified road.

In response, the following comments are made:

- (a) vehicular access to the site is to be provided off Anderson Lane, which is not a classified road;
- (b) the safety, efficiency and ongoing operation of Parkes Street will not be adversely affected by the development having regard to the criteria outlined by Clause 101(2)(b);
- (c) although the development is sensitive to traffic noise, the applicant has submitted an acoustic report prepared by Koikas Acoustics Pty Ltd which addresses potential noise levels of road traffic, mechanical plant and internal sound insulation. The report makes numerous recommendations relating to construction materials and design matters. A condition has been imposed requiring the incorporation of these acoustic measures into the building design.

The issue of air emissions is much wider than individual Councils and requires a broader, state-wide response. However, there is no current evidence to suggest that the approval of residential development along main roads generally has adverse health impacts such to warrant refusal of the application. The extent of amenity of the future occupants of the mixed uses building is not considered to be so sufficiently poor to warrant refusal of this DA. In addition, any prudent, hypothetical future occupant of the building would be able to make up his/her own mind concerning whether the location was suitable for his/her needs and acceptable in terms of air pollution resulting from the volume of cars travelling along this part of Parkes Street.

Impact of road noise or vibration on non-road development

Clause 102 of the SEPP requires the consent authority to consider the impact of road noise or vibration on non-road development, particularly in relation to more sensitive receivers such as residential, hospitals, child care centres and places of public worship. The application of Clause 102 is mandatory in relation to development adjacent to roads with an annual average daily traffic (AADT) volume in excess of 40,000 vehicles and recommended in relation to development adjacent to roads with an AADT of between 20-40,000 vehicles. Although neither this section of Church Street or Parkes Street adjoining the property fall within the category of having an AADT of in excess of 40,000 vehicles, the property is in close proximity to

the Great Western Highway and Church Street (south) which do also carry a substantial traffic flow. An assessment under Clause 102 of the SEPP is therefore considered warranted in this case.

Clause 102(3) of the SEPP states that:

- (3) If the development is for the purposes of a building for residential use, the consent authority must not grant consent to the development unless it is satisfied that appropriate measures will be taken to ensure that the following LAeq levels are not exceeded:
 - (a) in any bedroom in the building—35 dB(A) at any time between 10 pm and 7 am,
 - (b) anywhere else in the building (other than a garage, kitchen, bathroom or hallway)—40 dB(A) at any time.

The application of Clause 102 of the SEPP is recommended for this development, in this location and the recommendations of the approved acoustic assessment which form part of the draft conditions of consent will ensure that the residential units within the proposed development will be able to meet the requirements of the SEPP. The submitted acoustic report satisfactorily demonstrates that the internal amenity will be achieved.

Traffic-generating development

The proposed development is deemed to be traffic generating development under Schedule 3 of the SEPP. The application was referred to the RMS, who raise no significant concerns with the proposed development. Details of this correspondence is discussed within the 'referrals' section of the report.

STATE ENVIRONMENTAL PLANNING POLICY 64 – ADVERTISING & SIGNAGE

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

STATE ENVIRONMENTAL PLANNING POLICY – BASIX

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

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 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 subject site falls under the Granville Potential Precinct Map. In accordance with Clause 10 of the SEPP, the proposed development is consistent with the objective of developing the potential precinct for the purposes of urban renewal as the proposed development is unlikely to restrict or prevent the following:

- (a) development of the potential precinct for higher density housing or commercial or mixed development,
- (b) the future amalgamation of sites for the purpose of any such development within the potential precinct,
- (c) access to, or development of, infrastructure, other facilities and public domain areas associated with existing and future public transport in the potential precinct.

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

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

Context

The design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. The scale of building and type of use are compatible with the proposed redevelopment of the precinct and recognises and generally complies with the requirements of Parramatta City Centre LEP 2007 and DCP 2011.

Scale

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

Built form

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

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

Density

The proposal would result in a density appropriate for a site and its context, in terms of floor space yield, number of units and potential number of new residents. The proposed density of the development is regarded as sustainable and consistent with

the desired future density. The proposed density is considered to respond to the availability of infrastructure, public transport, community facilities and environmental quality.

Resource, energy and water efficiency

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

Landscape

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

Amenity

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

Safety and security

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

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

Social dimensions

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

Aesthetics

The proposed development is considered to be appropriate in terms of the composition of building elements, textures, materials and colours and reflect the use, internal design and structure of the resultant building. The proposed building is considered aesthetically to respond to the environment and context, contributing to the desired future character of the area. The design was the winning entrant in a Design Excellence Competition and has met all the requirements of achieving design excellence.

Residential Flat Design Code

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

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

The following table highlights the controls relevant to this proposal:

CONTROL	REQUIREMENT	PROPOSAL	COMPLIANCE
Building Depth	Depth should be between 10-18m	28m (max) The dwelling depth varies between 8m-13m for majority of the dwellings.	No However complies with maximum floor plate and sufficient solar access & ventilation achieved
Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys) 25m between habitable (9 storeys and above)	No residential development adjoining Sufficient separation has been provided between the tower and the northern property (11m minimum to balconies) when considering future potential redevelopment of the adjoining site	N/A
Storage	Studio - 6m ³ 1 bedroom - 6m ³ 2 bedroom - 8m ³ 3 bedroom - 10m ³	Studio - 6m ³ 1 bedroom - 6m ³ 2 bedroom - 8m ³ 3 bedroom - 10m ³ Storage areas are provided within the basement levels	Yes
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.	All dwellings have balconies with a minimum depth of 2m	Yes
Residential Ceiling heights	Minimum 2.7m	2.7m (probable) The levels have not been indicated on the plans, however a 3m floor to floor height is shown. A condition is included within the Recommendation	Likely to comply. Condition of consent.

		section of this report to ensure the minimum floor to ceiling levels are achieved.	
Min. Apartment size	Studio 38.5m ² 1 bedroom 50m ² 2 bedroom 70m ² 3 bedroom 95m ²	All units comply with the minimum apartment sizes and in most cases are substantially larger than the minimum requirements. It is noted that there are 4 units on Level 1 which are marginally smaller than the minimum apartment sizes (for studio & 1 bedroom) however provide for adequate internal amenity.	In part - 99% comply
Open Space	The area of communal open space should be between 25-30% of the site area (25%=1195m ²).	Common areas are provided as follows: Level 1 = 810m ² Level 2 = 400m ² Level 5 = 1630m ² Level 39 = 166m ² Total = 3006m ²	Yes
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone 25%=298m ²	Nil (however substantial planters are provided throughout the open space areas)	No
Internal circulation	A maximum of 8 units should be provided off a double loaded corridor	The majority of the development ranges between 5-8 units per floor. There is one section within Levels 2-4 that has a corridor with 9 units accessed. This is a minor non-compliance and is acceptable as it only affects a small proportion of the development and provides for satisfactory internal amenity.	In part
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice	278 units or 76.4% achieve 2 hours or more solar access	Yes

Daylight Access	Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	No single aspect apartments	Yes
Natural ventilation	60% of units should be naturally cross ventilated	234 units or 72.5% units are cross-ventilated	Yes
Natural ventilation	At least 25% of kitchens should have access to natural ventilation (on external walls)	The majority of kitchens are not located on external walls. This is difficult to achieve when the living and dining areas are directly adjoining the external walls for maximum outlook, solar access and ventilation. The majority of the kitchens are however within 8m of a window which is considered acceptable.	No

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

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

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

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

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

PARRAMATTA CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2007

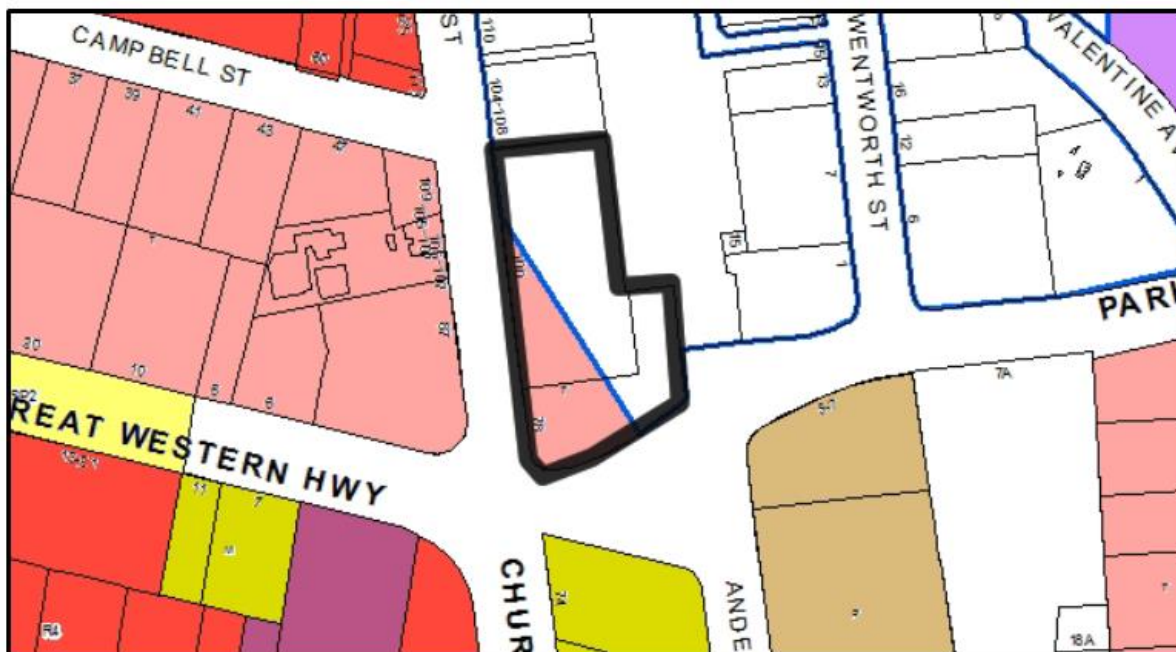
Parramatta City Centre Local Environmental Plan 2007 was gazetted on 21 December 2007. The relevant sections as they relate to the proposed development are addressed as follows:

Aims and Objectives

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

Height of Buildings

Clause 21 restricts the height of buildings. The subject site is affected by two different controls for height. This is discussed below.



Height of Buildings Map – Parramatta Local Environmental Plan 2007

Site	Requirement	Proposed	Compliance
South western corner	28m (maximum)	22.2m Maximum height to top of balustrades	Yes
Northern and eastern sections	There is no height limit provided as a development standard for this part of the property. The height limit was previously dependent upon a sun access plane to Jubilee Park (refer to Clause 29E). This sun access plane is now a DCP requirement only and sets a 126m height limit on this section of the site. It is noted that a 10% bonus for height was not awarded as part of the Design Excellence Competition.	122m (top of roof) 125m (top of plant & equipment)	Yes

Architectural Roof Features

Clause 21A allows architectural roof features to extend beyond the height limit prescribed by Clause 21. The proposed architectural roof feature is contained within the permissible height on the site.

Floor Space Ratio

Clause 22 restricts the floor space ratio on the site to a maximum of 6:1. The proposed development was the winning entry in a design excellence competition and was awarded a 10% bonus on the floor space ratio control. The maximum permissible floor space ratio as prescribed in clause 22(2) is 6.6:1. The proposal has a floor space ratio of 6.55:1 (comprising 31,290m² of floor space), which complies with this requirement.

Minimum Building Street Frontage

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

Church Street = 110m

Parkes Street = 55m

The proposal therefore complies with this requirement.

Design Excellence

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

Car Parking

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

The proposed development may provide a maximum total of 476 car parking spaces, being 436 residential spaces (including 72 visitors) and 41 retail spaces.

The application proposes 427 car parking spaces, being 386 residential and 41 retail spaces. This complies with the maximum provisions of LEP 2007. The car parking provided is considered satisfactory and although a further 49 spaces could be provided under the planning controls, the development adequately provides for the needs of the future occupants of the site. The site is located where it has excellent access to public transport and shopping facilities. The shortfall in parking provision is supported by Council's Traffic Engineer.

Building Separation

This clause is no longer relevant as it relies on separation distances under the City Centre DCP 2007. This DCP has been repealed and City centre requirements have been amalgamated into DCP2011.

Ecologically Sustainable Development

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

The application was accompanied by a Sustainability Management Plan which provides an overview of the proposed project's environmentally sustainable design response. The measures include:

- landscape design (use of low demand vegetation, on site detention, reduction of hard paving)
- energy, greenhouse gas emissions and peak demand energy reduction (passive building envelope performance – thermal mass, operable facades, cross flow ventilation, solar access)
- green star energy standards (average 5 star NatHERS ratings, automated building control, variable speed fans in car park exhausts, lighting design, energy efficient appliances)
- water resources (water efficient fittings, landscape irrigation systems, recyclable fire system test waters).

A condition has been incorporated within the Recommendation section of this report requiring compliance with this report.

Special Areas

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

The subject site is not located within an identified Special Area.

Exceptions to development standards

Not applicable – no variations are sought.

Outdoor Advertising and Signage

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

Development on Flood Prone Land

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

The site is located outside of the identified 1:100 year flood. Part of the southern section of the site is affected by the Probable Maximum Flood (PMF) which is identified at 12.4m AHD. All residential habitable areas are located above the PMF. Three shops and the service entry are affected by the PMF however evacuation is available in the case of a large storm event. The car park entry/exit is outside the PMF.

In regard to evacuation during a PMF event, the flood report (prepared by BG&E dated 30 June 2014) submitted with the application states the following:

In the event of a flood, residents on ground floor levels will be able to evacuate to towards higher ground to the north of the development. On site

refuge is also available. During the event of a flood, residents will be informed of the situation and if it is deemed necessary by the local authorities, an evacuation procedure will commence. Land to the north of the development is highest; therefore residents will be directed to walk in this direction, away from flood waters. An adequate evacuation plan and flood warning system is to be developed during future design phases for entry and exit building access areas fronting Parkes Street.

A condition is incorporated within the Recommendation section of this report requiring the preparation of an evacuation plan before the issue of a construction certificate.

Council's Development Engineer has reviewed the application and raises no flooding concerns with the proposed development.

Acid Sulfate Soils

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

The site is identified as containing Class 5 Acid Sulfate Soil. In accordance with the LEP table, an Acid Sulfate Soils Management plan is not required to be prepared.

Preservation of Trees

Clause 34 seeks to preserve the amenity of the area through the preservation of trees and other vegetation. There is one small tree located within the rear of the site which is required to be removed. This tree is a self-sown species of low amenity value. Council's Tree Management & Landscape Officer has reviewed the tree removal and proposed landscape plans and found the tree removal to be acceptable for the proposed development.

Heritage Conservation

The site of the proposed development does not contain any items of heritage .

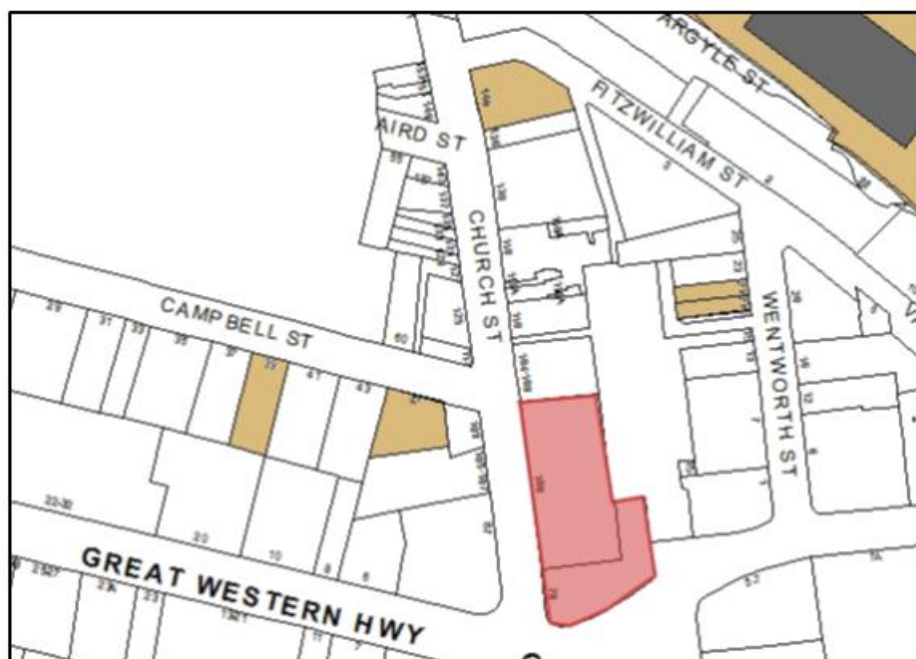
The site is in the vicinity of several listed heritage items, including:

- **47 Campbell Street**
The former Masonic Temple in Campbell Street is of significance for the local area for historical and aesthetic reasons. The building was originally associated with the free Masons, and has since become a place of public worship. It also makes an important contribution to the streetscape.
- **39 Campbell Street (State item)**
A large stuccoed mid-Victorian brick house of one storey with a three-roomed attic. The Lennox House is of significance for the State of NSW for historical, aesthetic and reasons of representativeness, and for its associations with David Lennox, the important early engineer in NSW for whom it was built.
- **19-21 Wentworth Street**
Houses at 19-21 Wentworth Street are of significance for the local area for historical and representativeness reasons. Built c.1890, they are readily

identifiable as part of historic building stock and are contributing to the streetscape.

- **140 Church Street**

The former Fire Station is of significance for the local area for historical reasons and as a representative example of this type of building. Originally built in 1898 and modified in 1920 and then in c.2000, the building is identifiable as a historic structure and contributes to the streetscape.



Map indicating nearby heritage items

The application was referred to Council's Heritage Officer who raises no concerns with the proposed development given the separation between sites, and given the densely developed nature of the existing urban context.

Archaeological Sites

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

The site is listed as having local significance with moderate research potential. The site is not listed in Council's heritage schedule.

Places of Aboriginal Heritage Significance

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

- (a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place, and

- (b) notify the local Aboriginal communities (in such way as it thinks appropriate) about the application and take into consideration any response received within 21 days after the notice is sent.

The site is identified as having low sensitivity under the Aboriginal Pleistocene Study. Given the low sensitivity of the site, the local Aboriginal communities were not notified of the application.

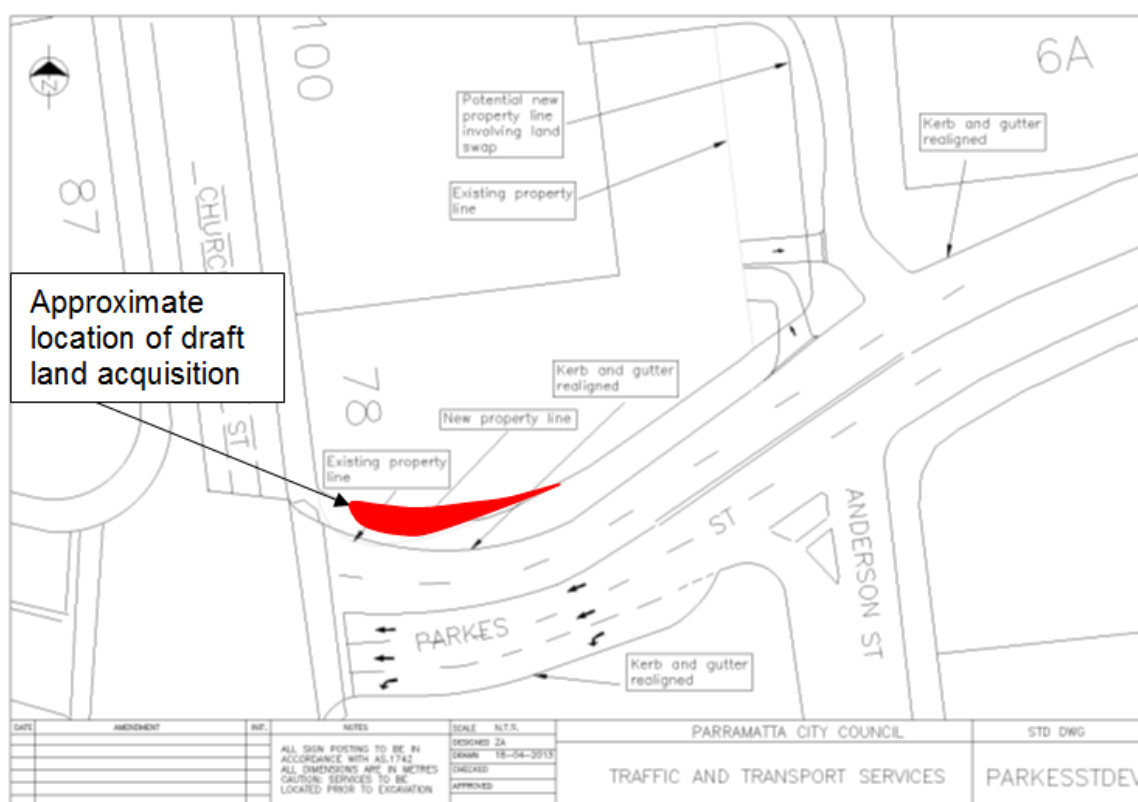
Historic view corridors

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

LAND ACQUISITION PLANNING PROPOSAL

On 27 May 2013, Council resolved to proceed with a Planning Proposal to reserve several sites across the LGA for acquisition. No. 78 Church Street was included in this list of properties to be added to the Land Reservations Map of the City Centre LEP 2007. The land required is only a portion of the property being a strip required for road widening at the corner of Church Street and Parkes Street. The application has provided for the proposed land acquisition in the design of the development.

This planning proposal has been exhibited and is envisaged to be reported back to Council in May 2015.



Map indicating area of site affected by the Land Acquisition Planning Proposal

DEVELOPMENT CONTROL PLANS

Parramatta Development Control Plan 2011

The Parramatta City Centre DCP 2007 was amalgamated into the Parramatta DCP 2011 on 2 April 2014 (Amendment 4). The relevant sections as they relate to the proposed development are addressed as follows:

Requirement	Proposal	Comply
Building Form		
Minimum building street frontage = 20m	Church Street = 110m Parkes Street = 55m	Yes
Building to street alignment & street setbacks Nil setback required to Church Street, Parkes Street and Anderson Lane	Partial nil setback It is noted that there is a setback provided to Parkes Street to allow for a future road widening. Slightly increased setbacks are provided to increase the public domain areas at ground level.	In part (acceptable design response)
Street and river frontage heights and upper level setbacks Nil setback - 8 storeys/26m With 6m setback above (to tower)	The podium is 5 storeys (less than 26m) Upper levels are recessed approximately 7m to balcony It is however noted that this proposal was subject to a Design Competition and found to be acceptable in terms of its street appearance.	NO (acceptable design response)
Building depth and bulk B4 – residential building plate not to exceed 1000m ²	Residential floor plate is maximum 710m ² (Levels 37-38)	Yes
Building separation To side and rear setbacks = 6m 6m required to northern boundary 6m separation distance required between buildings on site	Side setback to northern boundary = Nil (up to Level 4 on Church Street) to 11m There are no rear setbacks applicable on this site. There are no multiple buildings on this site	In part (acceptable design response) N/A N/A
Building form and wind mitigation 10m/sec for retail streets 13m/sec along major pedestrian	Wind report & wind tunnel test submitted states that a 16m/sec criterion will be satisfied.	Yes

streets & parks/public 16m/sec for other streets	<p>Additional measures such as planting along the street frontages will improve this criterion to lesser wind speeds. This is to be considered in the Public Domain Plan to be approved by Council before the issue of an operative consent.</p> <p>Given the increased density associated with this development and the increased pedestrian usage of Church Street and Anderson Lane in particular, it is considered that further investigations into wind mitigation needs to be carried out to achieve a wind speed closer to the preferred 13m/sec criterion. This matter should be satisfied before the issue of an operational consent and is included within the Recommendation section of the report.</p> <p>It is also noted that the Wind Report recommends the provision of 2m high screens on a number of balconies within the tower component of the building. Details of these screens should be submitted to Council for approval before the issue of a Construction Certificate to ensure they do not compromise the design excellence of the building.</p>	
Building exteriors	A materials board was submitted with the application. The building finishes are considered to be of a high quality and suitable for the proposed development.	Yes
Sun access to public places To comply with sun access plane controls for Lancer Barracks and Jubilee Park - Site affected by Jubilee Park sun access plane	Sufficient documentation has been submitted to indicate that the proposal complies with both the sun access plane and solar access impacts upon Jubilee Park.	Yes

Mixed Use Buildings		
Controls for ground level uses and activation of streets	<ul style="list-style-type: none"> - Ground floor to ceiling heights are a minimum 3.6m - Separate entries are provided for residential and retail - Through site link and arcade provided - Increased public domain amenity around the perimeter of the site will be established - Buildings and shops front streets for active street frontages with over 50% shopfronts to building on all frontages 	Yes
Public Domain and Pedestrian Amenity		
Site Links & Lanes Requirements for through site links and lanes	Pedestrian link provided from Church Street through to Anderson Lane	Yes
No pedestrian link required		
3m non-leasable area adjoining pedestrian links	4m provided through arcade.	Yes
Active Frontages Active frontages are required for a minimum of 50% of each building front & 40% for secondary streets/lanes Appropriate address and access for residential component	Achieved	Yes
Pedestrian Overpasses and Underpasses	Not required or proposed for this development	N/A
Awnings To be provided in accordance with the DCP	The DCP does not require an awning for development on the subject site. An awning is not proposed.	N/A
Courtyards and Squares Requirements for expanding and enhancing the public domain	An extended forecourt is provided along Parkes Street	N/A
Views and View Corridors		
Protection and enhancement of specific city viewlines	No identified viewlines are affected	N/A

Access and Parking		
Vehicle footpath crossings		
Single vehicle point only	Service vehicle entry separate to car parking entry	No (however separate entrances are preferable to avoid operational conflicts)
Access to be from lanes or minor streets	Access proposed from right of carriageway along Anderson Lane at the rear	Yes
Pedestrian access & mobility	Multiple access points are proposed and are accessible.	Yes
Vehicular driveways and manoeuvring areas	This has been reviewed by Council's Traffic Officer and found to be satisfactory. See 'Referrals' section of the report.	Yes
On-site parking	The proposal provides sufficient car parking, notwithstanding that it falls short of the maximum number of spaces permitted. Given that the site is located in good proximity to public transport, no objection is raised to the provision of parking.	Yes
Environmental Management		
Landscape Design	There is no natural deep soil areas proposed however the communal areas are landscaped with some deep planters to accommodate small trees.	Yes
Green roofs Buildings encouraged to have a green roof	Communal open space is provided on the tower roof however no planting is shown. There is however substantial planting on the podium level.	Yes
Energy and Water Efficient Design <ul style="list-style-type: none"> - 5 Green Star Office Design for residential (4 or more floors) - 5 Green Star Office Design for non-residential developments - Refurbishments greater than \$500,000 to have 3.5 NatHERS rating 	The application was accompanied by a Sustainability Management Plan which provides an overview of the proposed project's environmentally sustainable design response. The measures have been discussed in detail within the LEP 2007 section of the report.	Yes

Recycled Water	The application was accompanied by a Sustainability Management Plan which provides an overview of the proposed project's environmentally sustainable design response. The water measures include the provision of a rainwater tank, water efficient fittings, landscape irrigation systems, recyclable fire system test waters.	Yes
City Centre Special Areas		
Special Controls for the River Foreshore, Parramatta Square and Park Edge	The subject site is not located within any of these special areas	N/A
Design Excellence		
To improve the design excellence of buildings within the City	The approved application was the subject of a Design Excellence Competition.	Yes

Social Amenity – Part 3.4 DCP2011		
Culture & Public Art	An Arts Plan was submitted with the proposed development which is considered acceptable.	Yes
Access for People with a Disability	Access for people with disabilities is provided throughout the development.	Yes
Amenities in Buildings available to the Public	Sanitary facilities have been provided at ground level.	Yes
Safety and Security	The development is considered acceptable from a CPTED perspective, as the proposed development provides for natural surveillance over the public domain, access control and guardianship of semi public areas.	Yes
Housing Diversity and Choice Unit Mix 1 bed = 10%-20% 2 bed = 60%-75% 3 bed = 10%-20%	The proposed apartment mix is as follows - 90 x 1 bedroom units (25%) 256 x 2 bedroom units (70%) 18 x 3 bedroom units (5%). The number of 1 and 3 bedroom units is appropriate given there is still a diverse mix of dwellings that contributes to housing	In part

<p>Adaptable Dwellings</p> <p>Required = 10% of units = 36 adaptable units</p>	<p>choice, consistent with the objective of the control. The minor non-compliance is considered acceptable as the shortfall in units is unlikely to have significant impacts upon housing choice within the City Centre.</p> <p>The dwelling layouts provide for high levels of residential amenity and 36 adaptable dwellings are provided.</p>	<p>Yes</p>
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POLICIES

PUBLIC DOMAIN GUIDELINES

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

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

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

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

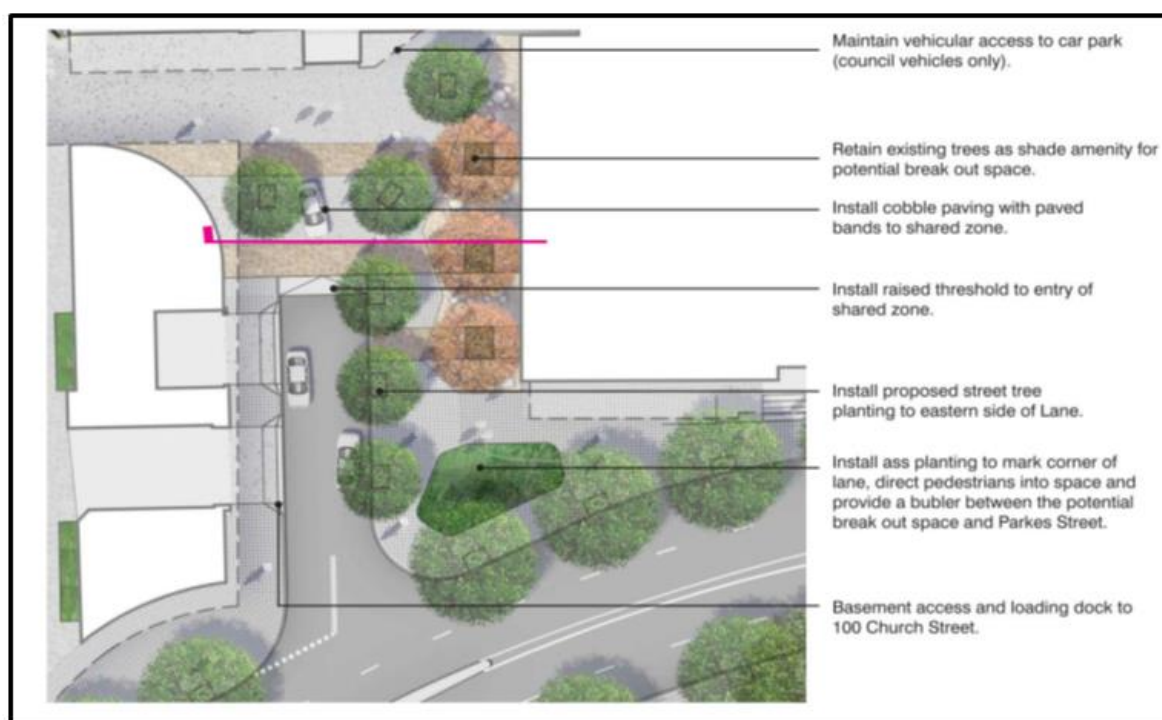
Given the importance of the pedestrian environment surrounding this site, a detailed Public Domain Plan is to be submitted to Council before the issue of an operational consent. This requirement is contained within the Recommendation section of the report.

Draft Southern Precinct Master plan

The draft Southern Precinct Master Plan is a document prepared by Oculus (dated 3/10/2014) for Parramatta Council which provides for public domain improvements in and around the Wentworth Street Car Park. Anderson Lane at the rear of the proposed site (to the east) has been identified as an area requiring pedestrian improvement. This area is identified as “Lane 20” within the master plan and is described as follows:

Lane 20 allows access to Wentworth Car Park from Parkes St and exit from laneway that runs along the western edge of the car park. It has a dual carriageway and varied footpath widths with generous street tree and verge plantings.

The proposal for this space looks to consolidate the roadway to allow one carriageway to provide access to the 100 Church Street basement parking and loading area as well as council only access to the car park. Lane 20 (north of the 100 Church Street entry) marks the start of the shared zone and is treated with a cobblestone surface with some artistic inlays or paving variation. A large consolidated zone of public domain space is located to the east of this space adjacent to the building. This will allow opportunities for future activation of this space through breaking down the facade of the adjacent building. Existing street trees are to be retained as established trees for the public domain.



Proposed Upgrading of 'Lane 20' in the draft Southern Precinct Master Plan

The application proposes to remove a large proportion of the existing median strip in this accessway on Council land to enable vehicles to enter and exit the subject site. The development also proposes to utilise much of this area for vehicular access to and from the development site. Modifications to existing traffic facilities,

such as removal of the traffic island at the end of the laneway adjoining Parkes Road is also required for the development to operate.

The application does not propose any improvements to this laneway.

Given the significant reliance on Council's land for this development to occur, the reduction in pedestrian amenity through the loss of the median strip and increase in vehicular traffic, it is considered that the proposal should incorporate the redesign and upgrade of this area. The proposal also seeks to activate this section of the laneway and there will be encouragement for increased pedestrian usage. Improvements would include redesigning the area to reflect the urban design proposal under the master plan and the incorporation of a raised threshold, cobblestone pavement (between the raised threshold and the existing cobblestone pavement near the northern property boundary), realignment of kerb and gutter and raised footpath treatment on the service lane located on the east side of the property boundary for shared zone and safe vehicle access to the property.

These improvements are considered to be necessary works to protect and enhance the post development pedestrian environment.

The improvements have been considered in consultation with Council's traffic, urban design and property sections who support the upgrades to Anderson Lane. Appropriate conditions of consent have been incorporated within the Recommendation section of this report.

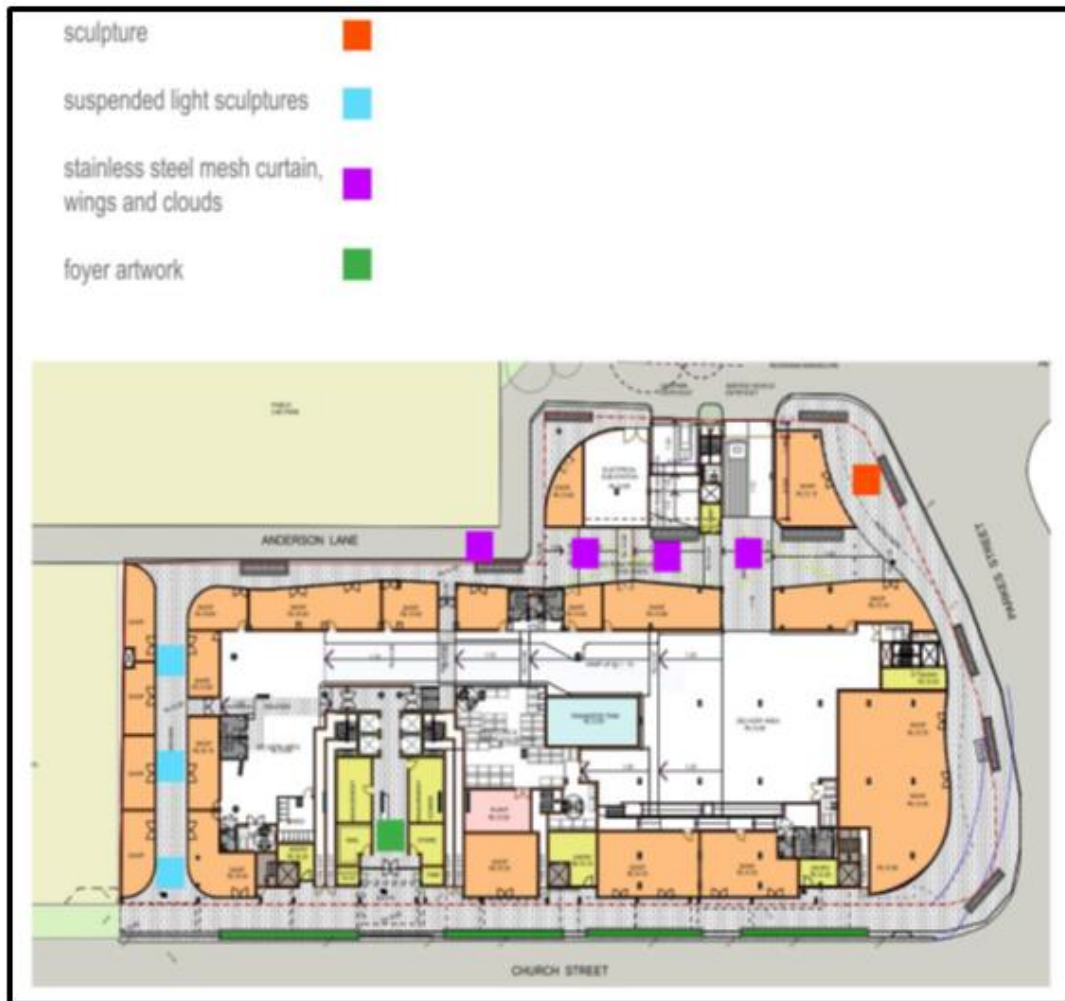
ARTS PLAN

An arts plan was submitted with the application. This conceptual framework revolves around the notion of "breath" which refers to *"living public spaces of the building which inhale and exhale with the passage of people within."* The plan identifies the following opportunities for artwork:

- Internal link between Anderson Lane and Church Street – the provision of sculptural lights as hanging lanterns
- Anderson Lane and Arcade – the provision of suspended artworks incorporating wings and clouds
- Parkes Street – the provision of a signature sculpture (eg. the myth of Icarus)
- Church Street lobby – the provision of dynamic artwork within the atrium (eg. suspended sculpture).

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

The location of the proposed artwork is identified in the following diagram.



Location Plan of proposed artworks

PARRAMATTA CITY CENTRE – LANES STRATEGY

The Parramatta City Centre Lanes Strategy applies to the proposed development. Anderson Lane is identified as a key lane in the Public Domain Framework, PCC Lanes Policy and DCP 2011.

The documentation notes that Parramatta's streets, lanes, arcades and through site links should form an integrated and legible pedestrian network providing choice of routes at ground level for pedestrians. The design of individual developments will be required to contribute to and integrate with this network.

The applicant has incorporated measures to improve this laneway, including fronting retail premises on to the laneway and incorporating an Arts Plan which provides for public art in this laneway. In addition, the development provides for a through site link between the laneway and Church Street.

Additional works required for the improvement of Anderson Lane have been addressed in the above section of this report.

S94A DEVELOPMENT CONTRIBUTIONS PLAN – PARRAMATTA CITY CENTRE

The proposal requires the payment of S94A development contributions (3% levy) based upon the estimated cost of works. The total cost of works provided on the cost report (including exclusions for the purpose of Clause 25J) is \$113,612,014. A condition requiring the payment of \$3,408,360.30 has been incorporated within the Recommendation section of this report.

PARRAMATTA CITY COUNCIL 2014/2015 SECURITY BONDS FOR THE PROTECTION OF CIVIL INFRASTRUCTURE

In accordance with Council's 2014/2015 Schedule of Fees and Charges, the developer will be required to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. As the development has a value of works in excess of \$1,000,000, the applicant will be required to pay a Security Bond of **\$40,000** (based on \$20,000 per street frontage) prior to the release of a Construction Certificate.

PLANNING AGREEMENTS

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

REGULATIONS

ENVIRONMENTAL PLANNING AND ASSESSMENT REGULATION 2000

Additional matters a consent authority must take into consideration

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

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

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

Compliance with Building Code of Australia

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

Regulation 98(1)(b) requires prescribed conditions in relation to a development consent for development in the case of residential building work for which the *Home Building Act 1989* requires there to be a contract of insurance in force in accordance

with Part 6 of that Act, that such a contract of insurance is in force before any building work authorised to be carried out by the consent commences.

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

Condition relating to shoring and adequacy of adjoining property

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

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

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

COASTAL ZONE MANAGEMENT PLAN

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

LIKELY IMPACTS

The likely impacts of the proposed development have been discussed 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 (3) submissions were received in response to the notification of the application. The issues raised within the submissions have been addressed within this report and do not warrant the refusal of the application.

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

- The proposal is in accordance with the type of development envisaged for the site under Parramatta City Centre LEP 2007 and DCP 2011
- The proposal will contribute to the overall commercial viability and housing demand of the Parramatta CBD

- The proposal does not result in any unreasonable environmental impacts and provides for a high quality architectural and urban design outcome.

Conclusion

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

Recommendation

DEFERRED COMMENCEMENT CONSENT

Pursuant to Section 80(3) of the Environmental Planning and Assessment Act, 1979

That the Sydney West Joint Regional Planning Panel, as the consent authority, grant a **deferred commencement consent** to Development Application No. DA/484/2014 for the consolidation of lots, demolition and construction of a 39 storey mixed use development containing ground floor commercial/retail tenancies and 364 units over 4 levels of basement car parking on land at 78-100 Church Street, Parramatta.

Upon strict compliance with the condition appearing in Schedule 1, and with the issue of confirmation to that effect in writing from Council, the deferred commencement consent shall become operational, inclusive of all conditions appearing in Schedule 2, pursuant to Section 80 of the Environmental Planning and Assessment Act, 1979.

SCHEDULE 1 – DEFERRED COMMENCEMENT CONSENT

- (1) Suitable documentary evidence that indicates the creation of a right of carriageway over Council land at the rear of the site has been registered with the NSW Land and Property Information Service is to be submitted to the satisfaction of Council's Manager, Development and Traffic Services.

In return for the proposed grant of easement the owner agrees to release at the same time the existing right of carriageway shown 6 wide & variable, and 8 wide & variable on DP 701136, and the right of way shown on DP 792374 created by Bk. 950 No. 871 and Bk. 3370 No. 669.

Advisory Notes:

1. The written consent of the owner of the land will need to be submitted to Council before making a formal application to the Council for the proposed right of carriageway.
2. The terms for the right of carriageway will be advised on receipt of the application.
3. Notification of the right of carriageway proposal for public comment is required.

4. There will be fees payment for the application, advertising and granting of the right of carriageway.
 5. All Council's costs (legal, valuation and survey etc) are to be borne by the applicant.
 6. The application is subject to final approval of the Council.
- (2) A final Alignments Plan is to be submitted to the satisfaction of Council's Manager, Development and Traffic Services and is to include the following:
- (a) Cross falls at the corner of Parkes Street and Church Street to be amended for a 2.5% maximum gradient from the proposed road widening building line to kerb
 - (b) Location, dimensions and falls of all kerb ramps, at 2100mm wide as per Council's Public Domain Guidelines. Kerb ramps must correspond on both Alignments Plans and the ground floor plan.
- (3) A Public Domain Plan in accordance with the Parramatta City Council's Public Domain Guidelines is to be submitted to the satisfaction of Council's Manager, Development and Traffic Services. This plan is to include the following:
- (a) A detailed design plan of civil and landscape works including but not limited to raised threshold, cobblestone pavements (between the raised threshold and the existing cobblestone pavement near the northern property boundary), realignment of kerb and gutter and raised footpath treatment on the service lane located on the east side of the property boundary for shared zone and safe vehicle access to the property (refer to the Lane 20 plan in the Southern Precinct Master Plan). The provision of the shared zone is to be in accordance with the Shared Zone Technical Direction (attached TTD 2014-003) and to the satisfaction of Council and Roads and Maritime Services.
 - (b) Details of the public domain treatment of Church Street and Parkes Street.

Notes:

- (i) Tactile Ground Surface Indicators must be shown at corners, pedestrian crossings and driveways crossings
 - (ii) The alignment of the kerb line on Anderson Lane must create a continuous footpath. Driveway crossings with City Centre footpath paving, driveway paving, and tactiles are to be applied as per DS40. A continuous layback is to be applied across both driveways and that the two kerbs lines north and south of driveways are to be on the same alignment.
 - (iii) All of the paving along the Church and Parkes Street frontages are to be replaced to the current DS40 standard.
 - (iv) The Anderson Lane paving to be completed as per the Fire Horse Lane paving (north of the site). The alignment levels must be shown over the laneway.
- (4) Further investigation is to be carried out in order to improve the pedestrian wind environment along Church Street and Anderson Lane. Details of the investigations and further mitigation measures proposed are to be submitted to the satisfaction of Council's Manager, Development and Traffic Services for review and incorporation within the proposed development. Wind mitigation

measures shall seek to achieve the recommended 13m/second criterion contained within Part 4.3.3 of Parramatta DCP 2011.

Evidence of the above matters must be produced to the Council or its delegate within two (2) years of the date of this determination otherwise the consent will not operate.

SCHEDULE 2 – CONDITIONS OF CONSENT

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	Prepared By	Dated
Cover Sheet Drawing No. A001 – Issue F	Gilsenan Associates	09/04/2014
Site Context & Analysis Plan Drawing No. A002 – Issue F	Gilsenan Associates	09/04/2014
Basement Level B4 Floor Plan Drawing No. A003 – Issue F	Gilsenan Associates	09/04/2014
Basement Level B2/B3 Floor Plan Drawing No. A004 – Issue F	Gilsenan Associates	09/04/2014
Basement Level B1 Floor Plan Drawing No. A005 – Issue F	Gilsenan Associates	09/04/2014
Ground Floor Plan Drawing No. A006 – Issue F	Gilsenan Associates	09/04/2014
Level 1 Floor Plan Drawing No. A007 – Issue F	Gilsenan Associates	09/04/2014
Level 2-4 Floor Plan Drawing No. A008 – Issue F	Gilsenan Associates	09/04/2014
Levels 5 Floor Plan & Podium Roof Drawing No. A009 – Issue F	Gilsenan Associates	09/04/2014
Tower Levels 6-39 Floor Plan Drawing No. A010 – Issue F	Gilsenan Associates	09/04/2014
Elevations Drawing No. A101 – Issue F	Gilsenan Associates	09/04/2014
Podium & Basement Sections A&B Drawing No. A201 – Issue F	Gilsenan Associates	09/04/2014
Street Alignment Sections Drawing No. A202/A203/A204/A205 – Issue F	Gilsenan Associates	09/04/2014
Façade Details 1 Drawing No. A206 – Issue F	Gilsenan Associates	09/04/2014
Façade Details 2 Drawing No. A207 – Issue F	Gilsenan Associates	09/04/2014
Façade Details 3 Drawing No. A208 – Issue F	Gilsenan Associates	09/04/2014

Drawing N^o	Prepared By	Dated
Street Details Drawing No. A209 – Issue F	Gilsenan Associates	09/04/2014
Adaptable Units Drawing No. A401 – Issue F	Gilsenan Associates	09/04/2014
Landscaping Drawings (Arch) Drawing No. A011 – Issue F Podium Soil Depths – Drawing SK – Issue F	Gilsenan Associates	09/04/2014
Landscaping Drawings Level 1 Courtyard – L-02 – Issue A Level 2 Terrace – L-03 – Issue A Level 5 Podium – L-04 – Issue A Level 5 Podium – L-05 – Issue A Level 5 Podium – L-06 – Issue A Level 5 Podium – L-07 – Issue A Planting Palette – L-08 – Issue A	JMD Design	22/07/2014
Engineering Plans Drawing Numbers: 00992_DA100 – Revision 01 00992_DA200 – Revision 01 00992_DA201 – Revision 01 00992_DA202 – Revision 01 00992_DA203 – Revision 01 00992_DA204 – Revision 01 00992_DA205 – Revision 01 00992_DA206 – Revision 01 00992_DA207 – Revision 01 00992_DA208 – Revision 01 00992_DA209 – Revision 01 00992_DA601 – Revision 01 Sediment & Erosion Control Plan 00992_DA701 – Revision 01	C&M Consulting Engineers	16/09/2013
WSUD Report Project No. 27468-SYD-C	Wood & Grieve Engineers Consultancy	8 December 2014

Document N^o	Prepared By	Dated
Access Report	Accessibility Solutions (NSW) Pty Ltd	28 July 2014
Acoustic Report – File Reference: 2396R20140725dlmfcChurchStParra	Koikas Acoustics Pty Ltd	25 July 2014

Document N ^o	Prepared By	Dated
matta_V3.docx		
Arts Plan (Concept)	Milne & Stonehouse	July 2014
Basix Certificate No. 509947M_02	-	28 July 2014
Stage 1 Site Contamination Assessment – Project No. GEOTLCOV24919AA	Coffey Environments Australia Pty Ltd	16 Aug 2013
Solar Light Reflectivity Analysis – Reference WB748-01F02(REV0) – SR Report	Windtech	18 Sept 2013
Pedestrian Wind Environment Study – Reference WB748-01F03(REV0)	Windtech	13 Sept 2013
Service Vehicle Management Plan	Christopher Hallam & Associates	6 Feb 2015
Sustainability Management Plan Project No. 27427-SYD-G-1	Nicholas Johnson	3 Dec 2014
Thermal Comfort Study (Reference 8802 – Issue A)	Efficient Living	27 Feb 2015
Waste Management Plan - Revision B	Elephant's Foot	24 July 2014
Materials & Colours Board	Gilsenan Associates	Undated

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

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

- Following issuing of any operative consent for the site physical commencement must occur in accordance with the requirements of Section 95(4) of the Environmental Planning and Assessment Act within 5 years of the date of the issue of the deferred commencement consent. In this regard should physical commencement not occur by (insert date 5 years from issue of deferred consent) the consent will lapse.

Reason: To provide certainty to the community as to when physical commencement must occur.

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

Reason: To ensure no injury is caused to persons.

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

the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.

Reason: To ensure compliance with legislative requirements.

5. Approval is granted for the demolition of all buildings and outbuildings currently on the property, subject to compliance with the following:-
- a) Demolition is to be carried out in accordance with the applicable provisions of Australian Standard AS2601-2001 - Demolition of Structures. Note: Developers are reminded that WorkCover requires that all plant and equipment used in demolition work must comply with the relevant Australian Standards and manufacturer specifications.
 - b) The developer is to notify owners and occupiers of premises on either side, opposite and at the rear of the development site 5 working days prior to demolition commencing. Such notification is to be a clearly written on A4 size paper giving the date demolition will commence and is to be placed in the letterbox of every premises (including every residential flat or unit, if any). The demolition must not commence prior to the date stated in the notification.
 - c) 5 working days (i.e., Monday to Friday with the exclusion of Public Holidays) notice in writing is to be given to Parramatta City Council for inspection of the site prior to the commencement of works. Such written notice is to include the date when demolition will commence and details of the name, address, business hours, contact telephone number and licence number of the demolisher. Works are not to commence prior to Council's inspection and works must also not commence prior to the commencement date nominated in the written notice.
 - d) On the first day of demolition, work is not to commence until Parramatta City Council has inspected the site. Should the building to be demolished be found to be wholly or partly clad with asbestos cement, approval to commence demolition will not be given until Council is satisfied that all measures are in place so as to comply with Work Cover's document "Your Guide to Working with Asbestos", a copy of which accompanies this Development Consent and demolition works must at all times comply with its requirements.
 - e) On demolition sites where buildings to be demolished contain asbestos cement, a standard commercially manufactured sign containing the words "DANGER ASBESTOS REMOVAL IN PROGRESS" measuring not less than 400mm x 300mm is to be erected in a prominent visible position on the site to the satisfaction of Council's officers. Advice on the availability of these signs can be obtained by telephoning Council's Customer Service Centre during business hours on 9806 5050. The sign is to be erected prior to demolition work commencing and is to remain in place until such time as all asbestos cement has been removed from the site to an approved waste facility. This condition is imposed for the purpose of worker and public safety and to ensure compliance with Clause 259(2)(c) of the Occupational Health and Safety Regulation 2001.
 - f) Demolition must not commence until all trees required to be retained are protected in accordance with the conditions detailed under "Prior to Works Commencing" in this Consent.

- g) All previously connected services are to be appropriately disconnected as part of the demolition works. The applicant is obliged to consult with the various service authorities regarding their requirements for the disconnection of services.
- h) Demolition works involving the removal and disposal of asbestos cement in excess of 10 square meters, must only be undertaken by contractors who hold a current WorkCover "Demolition Licence" and a current WorkCover "Class 2 (Restricted) Asbestos Licence".
- i) Demolition is to be completed within 28 days of commencement.
- j) Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.
- k) 1.8m high Protective fencing is to be installed to prevent public access to the site.
- l) A Pedestrian and Traffic Management Plan must be submitted to the satisfaction of Council prior to commencement of demolition and/or excavation. It must include details of the:
 - (i) Proposed ingress and egress of vehicles to and from the construction site;
 - (ii) Proposed protection of pedestrians adjacent to the site;
 - (iii) Proposed pedestrian management whilst vehicles are entering and leaving the site.
- m) All asbestos laden waste, including asbestos cement flat and corrugated sheets must be disposed of at a tipping facility licensed by the Environment Protection Authority (EPA).
- n) Before demolition works begin, adequate toilet facilities are to be provided.
- o) After completion, the applicant must notify Parramatta City Council within 7 days to assess the site and ensure compliance with AS2601-2001 – Demolition of Structures.
- p) Within 14 days of completion of demolition, the applicant must submit to Council:
 - (i) An asbestos clearance certificate issued by a suitably qualified person if asbestos was removed from the site; and
- q) A signed statement verifying that demolition work and the recycling of materials was undertaken in accordance with the Waste Management Plan approved with this consent. In reviewing such documentation Council will require the provision of original weighbridge receipts for the recycling/disposal of all materials.

Reason: To ensure appropriate demolition practices occur.

- 6. 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.

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

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

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

Reason: To ensure satisfactory stormwater disposal.

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

Reason: To minimise impact on adjoining properties.

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

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

Prior to the issue of a Construction Certificate:

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

(a) Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and AS 2890.1, AS 2890.2, AS 2890.3 and AS 2890.6, with the exception of the modifications below.

(b) A car share space is to be provided for residential tenants in accordance with Clause 3.6.1 of DCP 2011.

(c) The spaces that do not comply with AS 2890.1, not accessible due to storage space on the aisle, or located at blind aisles and difficult for vehicles to exit the site in forward directions are to be modified to comply with the AS 2890.1 (300mm clearance to adjacent walls); otherwise these spaces are to be deleted and used for motorcycle and/or bicycle parking. Note that motorcycle and bicycle parking spaces are to be provided in accordance with AS 2890.1-2004 and AS 2890.3-1993 respectively.

(d) The car park aisle immediately east of the ramps on basement levels 2 to 4 are to be converted to one-way southbound.

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

12. 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, AS2890.3 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate.

Reason: To ensure appropriate vehicular manoeuvring is provided

13. The developer is to submit design drawings and documents relating to the excavation of the site and support structures to Roads and Maritime for assessment, in accordance with Technical Direction GTD20121001.
Reason: To comply with RMS Requirements
14. An amended acoustic report is to be prepared and submitted to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate. The amended report is to incorporate the results and recommendations of further acoustic testing in consideration of the proximity of the adjoining car park as a noise source. The recommended acoustic glazing thickness is to be incorporated into the design of the building. Any recommendations that impact upon the visual appearance of the building are to be approved by Council's Manager, Development & Traffic Services before the issue of the Construction Certificate.
Reason: To protect the amenity of the future occupants of the site.
15. Details of the balcony screening recommended within the Pedestrian Wind Environment Study – Reference WB748-01F03(REV0) prepared by Windtech dated 13 September 2013 are to be submitted to Council's Manager, Development & Traffic Services for approval before the issue of the Construction Certificate.
Reason: To ensure the balcony screening does not adversely impact upon the visual appearance of the building.
16. The recommendations of the following reports are to be incorporated within the documentation and design details submitted with the Construction Certificate:

Document Report	Date
Acoustic Report – File Reference: 2396R20140725dlmfcChurchStParramatta_V3.docx prepared by Koikas Acoustics Pty Ltd	25 July 2014
Stage 1 Site Contamination Assessment – Project No. GEOTLCOV24919AA prepared by Coffey Environments Australia Pty Ltd	16 August 2013
Solar Light Reflectivity Analysis – Reference WB748-01F02(REV0) – SR Report prepared by Windtech	18 September 2013
Pedestrian Wind Environment Study – Reference WB748-01F03(REV0) prepared by Windtech	13 September 2013
Sustainability Management Plan Project No. 27427-SYD-G-1 prepared by Nicholas Johnson	3 December 2014
Thermal Comfort Study prepared by Efficient Living (Reference 8802 – Issue A)	27 February 2015

Note: Approval is not granted for any recommendations requiring work on public land.

Reason: To protect the amenity of the area and confirm the details submitted with the application.

17. The final Landscape Plan must be consistent with plans prepared by JMD Design together with any additional criteria required by the Development Consent to the satisfaction of the Certifying Authority addressing the following requirements:
- (a) Provision of a final construction landscape plan which details all proposed plant locations, species and quantities.
 - (b) All landscape plans are to be prepared by a professionally qualified landscape architect or designer.
- Reason:** To ensure that appropriate landscaping is implemented.
18. All car wash bays must be provided with a water connection and drainage to sewer. All wash bay discharges are to be disposed of according to the requirements of Sydney Water which requires a trade waste agreement. Details of the design of the car wash bay are to be included on the construction certificate plans.
- Reason:** To ensure that stormwater drains are not polluted.
19. Plans submitted with the Construction Certificate shall clearly indicate that all residential floors are provided with a minimum internal floor to ceiling height of 2.7m (excluding the thickness of the floor and ceiling slabs). This condition does not authorise the height of the building to be increased.
- Reason:** To ensure appropriate opportunities for access to natural light and ventilation are provided.
20. (a) In order to ensure the design quality excellence of the development is retained:
- i. The design architect is to have direct involvement in the design documentation, contract documentation and construction stages of the project;
 - ii. The design architect is to have full access to the site and is to be authorised by the applicant to respond directly to the consent authority where information or clarification is required in the resolution of design issues throughout the life of the project;
 - iii. Evidence of the design architect's commission is to be provided to the Council prior to release of the Construction Certificate
- (b) The design architect of the project is not to be changed without prior notice and approval of the Council.
- Reason:** To ensure the design quality excellence of the development is retained.
21. The finishes and materials of the building as approved in Condition 1 of this consent are to be incorporated within the Construction Certificate Plans.
- Reason:** To ensure the quality of the design finishes is maintained.
22. Prior to commencement of any excavation work on council's road, nature strip or concrete footpath, a Road Opening Permit shall be obtained from council by lodging the application for a Road Opening Permit. Upon completion of the work, the road, the nature strip, and concrete footpath shall be reinstated to its original state to the satisfaction of Council.

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

23. 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.

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

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

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

25. A monetary contribution comprising **\$3,408,360.30** is payable to Parramatta City Council pursuant to Section 94A of the *Environmental Planning and Assessment Act, 1979* and the *Parramatta City Centre Civic Improvement Plan*. Payment must be by cash, EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a construction certificate. At the time of payment, the contribution levy will be indexed quarterly in accordance with movements in the Consumer Price Index (All Groups Index) for Sydney issued by the Australian Statistician.

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

26. 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/484/2014;
- 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 safe guard the public assets of council and to ensure that these assets are repaired/maintained in a timely manner so as not to cause any disruption or possible accidents to the public.

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

Reason: To ensure that the levy is paid.

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

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

29. 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.

30. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities. Details are to be provided to the satisfaction of the Principal Certifying Authority before the issue of a Construction Certificate.

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

31. Waste storage rooms are to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2011 including:

- a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
- b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
- c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
- d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.

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

Reason: To ensure the appropriate storage of waste.

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

bottles etc, will be re-cycled. Waste collection from the site shall occur in accordance with the details contained within this report.

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

33. The site stormwater discharge pipe shall be connected to the existing stormwater pipe in the street through an outlet from a boundary pit within the subject site. the Principal Certifying Authority shall ensure that connection into Council's stormwater system in the street is subject to the satisfaction and approval of Council's Catchment Management Engineers prior to the issue of a Construction Certificate:

- A stormwater boundary pit is to be provided within the site and connected in a straight line to Council's pipe system in the street and it is not to be connected against the flow in the pipe. This issue shall be demonstrated on the final drainage plan.
- A longitudinal section of the site stormwater discharge pipe across the footpath reserve shall be prepared showing the public utility services encroaching the above proposed stormwater pipe.

Reason: To ensure satisfactory storm water disposal.

34. 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 and the seepage from all basement levels.
- (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.

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.

35. No work shall start on the storm water system until the detailed final storm water plans have been approved by the Principal Certifying Authority. Prior to

the approval of storm water drainage plans, the person issuing the Construction Certificate shall ensure that:

- a. The final drainage plans are consistent with the concept drainage plans *Dwg No. 992_DA_601 Revision 01 dated 16/09/2013 and Dwg No. 992-DA204 & DA205 Revision (01) dated 16/09/2013 prepared by 'C&M Consulting Engineers' and the requirements of the engineering conditions approved with the Development Consent.*

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

- b. The proposed On-Site Detention (OSD) System has been designed by a suitably qualified Hydraulic Engineer, in accordance with the Upper Parramatta River Catchment Trust "On-Site Detention Handbook" and Council's Drainage Code E4 and stormwater Drainage Guidelines.
- c. The design achieves
 - The design achieves a Site Storage Requirement of 215 m³/ha and a Permissible Site Discharge of 235 L/s/ha (as per 3rd edition of UPRCT's handbook).
 - When using the Extended/Flood detention method (4th edition of UPRCT's handbook), the Site Reference Discharge (Lower Storage), SRD_L of **40** l/s/ha, Site Storage Requirement (Lower Storage) SSR_L of **246** m³/ha and Site Reference Discharge (Upper Storage), SRD_U of **150** l/s/ha, Site Storage Requirement (Total) SSR_T of 396m³/ha as per the submitted OSD calculation.
 - The on-site detention tank shall be certified to be structurally adequate to take the designated load to the Principal Certifying Authority satisfaction.
 - The Principal Certifying Authority shall ensure that openings for maintenance and ventilation are provided adequately to the on-site detention tank.
 - The Principal Certifying Authority shall ensure adequate warning and informative signage is provided to the on-site detention tank in accordance with Upper Parramatta River Catchment Trust on-site stormwater detention design handbook.
 - The construction of the on-site detention tank shall be supervised by the nominated drainage engineer to be adequate and satisfactory.
 - The Principal Certifying Authority shall ensure that the galvanised steel ladders in the tank are structurally adequate and practically safe to be accessed for future maintenance.
 - The on-site detention grated opening shall be locked to be child proof. Reference shall be made to the Upper Parramatta River Catchment Trust design handbook.

Detailed drainage plans with cross sectional details of OSD storage areas; pits etc, OSD Detailed Design Submission and OSD Detailed Calculation Summary Sheet are submitted **and are acceptable**.

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

36. Prior to the issue of a Construction Certificate, longitudinal driveway sections are to be prepared by a qualified civil/traffic engineer and be submitted for to and approved by the Certifying Authority. These profiles are to be at 1:100 scale along both edges of the proposed driveway, starting from the centreline of the frontage street carriageway to the proposed basement floor level. The civil/traffic engineer shall provide specific written certification on the plans that:
- a. Vehicular access can be obtained using grades of 25% (1 in 4) maximum and
 - b. All changes in grade (transitions) comply with Australian Standard 2890.1 (2004) – “Off-street car parking” to prevent the scraping of the underside of the vehicles.

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

37. Prior to finalising the Construction Drawings for submission, a Geotechnical Report shall be prepared specifically for the development site, by a suitably qualified Geotechnical Engineer. The structural and foundation designs and the excavation methods proposed for the development shall be assessed in accordance with the recommendations made in the Geotechnical Report. In this regard, a Structural Certification from a suitably qualified structural engineer shall be submitted with the application for Construction Certificate, addressing that the final design drawings are prepared in accordance with the recommendations of the Geotechnical Report. A copy of the Geotechnical Report shall be submitted for approval by the Certifying Authority. The Geotechnical / Civil engineering report should address (but is not limited to) the following:

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

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

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

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

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

- 38. A heavy duty vehicular crossing shall be constructed in accordance with Council's Standard Drawing No. [DS9 & DS10]. Details shall be submitted to

the satisfaction of Principal Certifying Authority with the application for the Construction Certificate. A Vehicle Crossing application shall be submitted to Council together with the appropriate fee prior to any work commencing.

Reason: To ensure appropriate vehicular access is provided.

39. 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.

40. 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.

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

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

43. Driveways and vehicular access ramps must be designed not to scrape the underside of cars. In all respects, the proposed vehicle access and accommodation arrangements must be designed and constructed to comply with Australian Standards 2890.1 – 2004 "Off street car parking". Details are to be provided to and approved by the Certifying Authority prior to the issue of the Construction Certificate.

Reason: To ensure that parking spaces are in accordance with the approved development.

44. 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.

45. Prior to the issue of the Construction Certificate, the Principal Certifying Authority shall ensure the following engineering issues are addressed adequately:

- (a) The drainage plan showing the WSUD proposal, shall be amended to provide a first flush flow treatment by including a diversion pit or a 'Highflow bypass chamber' for the return period of 1:3 month ARI event; duration 5mins tc with a rainfall intensity of 43.4 mm/hr, the low flow pipe is to be directed into the Jellyfish filter. The high flow pipe or overflow pipe for events above 1:3 months ARI event is to be directed into the rainwater tank or OSD .

- (b) Provide details on the above plan for the WSUD connection showing the invert levels of the proposed connection pipes and the invert level of Council's existing pit in the street to ensure a minimum 1% grade.
- (c) The location of the proposed Humes Jellyfish filter unit shall be completely within the subject site. This location is subject to the approval of Council's Civil Infrastructure Unit
- (d) Based on the site area and table (2) of the Jellyfish Filter Technical Manual, the filter model should be suitable for the generated site treatment flow
- (e) Prior to the issue of a Construction Certificate, the above issues shall be addressed and submitted to Council's Services Manager of Civil infrastructure unit for approval.

Reason: To ensure the appropriate drainage measures are employed.

46. 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.

47. 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.

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

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

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

The Construction Noise Management Plan must include:

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

Reason: To prevent loss of amenity to the area

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

The engineer shall:

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

51. The applicant is required to submit a Final Arts Plan including all additional documentation to Council's Arts Planner for approval; that details the design development process through final design concepts, budget, engineering specifications, materials, site plan for artworks, construction documentation and project management prior to issue of the construction certificate.

Reason: To ensure an appropriate Arts Plan is submitted.

52. 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.

53. Prior to the issuing of the Construction Certificate details are to be submitted to the Principal Certifying Authority that the footings and slabs of the development have been designed to withstand the impacts of salinity. The design of the development is to take into consideration the guidelines within the Department of Infrastructure, Planning and Natural Resources document - *Western Sydney Salinity Code of Practice 2003*.

Reason: To ensure appropriate safeguards against salinity.

54. 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.

55. The development must incorporate a minimum of 36 adaptable dwellings. Plans submitted with the construction certificate must illustrate that the required adaptable dwellings have been designed in accordance with the requirements of AS 4299-1995 for a class C Adaptable House.

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

56. Access for people with disabilities from the public domain and all car parking areas on site to all tenancies within the building are to be provided. Consideration must be given to the means of dignified and equitable access from public places to adjacent buildings, to other areas within the building and to footpath and roads. Compliant access provisions for people with disabilities shall be clearly shown on the plans submitted with the Construction Certificate. All details shall be prepared in consideration of, and construction completed to achieve compliance with the Building Code of Australia Part D3 "Access for People with Disabilities", provisions of the Disability Discrimination Act 1995, and the relevant provisions of AS1428.1 (2001) and AS1428.4.

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

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

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

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

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

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

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

59. Prior to the issue of a Construction Certificate, the applicant/developer is to approach the NSW Office of Environment & Heritage to satisfy any archaeological requirements for the site. This may include a further archaeological assessment or a request for an exemption permit.
A copy of the written correspondence from the NSW Office of Environment & Heritage confirming that their requirements have been satisfied shall be provided to Council and the Principal Certifying Authority prior to the issue of the construction certificate.
Reason: To ensure that the requirements of the NSW Office of Environment & Heritage are satisfied.
60. The Principal Certifying Authority is to be satisfied that the proposal complies with the following Endeavour Energy requirements before the issue of a Construction Certificate, or before works commence (whichever occurs first):
- (a) The new development will require the existing substation to be decommissioned and removed along with any high voltage cable works necessary to maintain supply to the rest of the electricity grid in this location.
 - (b) Any asset relocation works will need to be funded by the developer as it appears that some high voltage cables may be impacted by the development footprint.
 - (c) Anderson Lane is fronted by other Endeavour Energy indoor substations. It is imperative that access to these indoor substations by Endeavour Energy crews and plant is maintained during the whole construction period of this development. Any indication this cannot be achieved should be discussed with Endeavour Energy prior to the development commencing.

Prior to Commencement of Works:

61. Prior to the commencement of any works on the site the applicant must submit, a Construction Traffic Management Plan to the satisfaction of the **Council's Service Manager, Traffic and Transport**. 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. Access arrangements to and from the site. **The plan is to show continued public access through Anderson Lane during all demolition and construction phases of the development.**
 - ii. Proposed number of trucks during the demolition and construction phases of development
 - iii. Hours of proposed truck movements to and from the site
 - iv. Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
 - v. Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,

- vi. The locations of proposed Work Zones in the egress frontage roadways,
 - vii. Location of any proposed crane standing areas,
 - viii. A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
 - ix. Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
 - x. The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- (b) Traffic Control Plan(s) for the site:
- i. All traffic control devices installed in the road reserve shall be in accordance with the Roads and Traffic Authority, NSW (RTA) publication '*Traffic Control Worksite Manual*' and be designed by a person licensed to do so (minimum RTA 'red card' qualification). The main stages of the development requiring specific construction management measures are to be identified and specific traffic control measures identified for each,
 - ii. Approval shall be obtained from Parramatta City Council for any temporary road closures or crane use from public property.
- (c) A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage must be provided and a copy of this route is to be made available to all contractors.

Where applicable, the plan must address the following:

- Evidence of RTA concurrence where construction access is provided directly or within 20 m of an Arterial Road,
- A schedule of site inductions shall be held on regular occasions and as determined necessary to ensure all new employees are aware of the construction management obligations.
- Minimising construction related traffic movements during school peak periods,

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

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

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

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

obtained. Hoardings in the City Centre Local Environmental Plan area must also address the "Parramatta First - Marketing the City Brand". Details on policy compliance and brand marketing can be obtained by contacting Council's Construction Services on 02 9806 5602.

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

63. 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.

64. 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.

65. 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.

66. 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.

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

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

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

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

Reason: Management of records.

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

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

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

69. Prior to any excavation on or near the subject site the person/s having benefit of this consent are required to contact the NSW Dial Before You Dig Service

(NDBYD) on 1100 to received written confirmation from NDBYD that the proposed excavation will not conflict with any underground utility services. The person/s having benefit of this consent are required to forward the written confirmation from NDBYD to their Principal Certifying Authority (PCA) prior to any excavation occurring.

Reason: To prevent any damage to underground utility services.

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

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

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

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

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

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

72. An updated Waste Management Plan is to be submitted immediately after the letting of all contracts detailing the:

- (a) expected volumes and types of waste to be generated during the demolition and construction stages of the development;
- (b) destination of each type of waste, including the name, address and contact number for each receiving facility.

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

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

During Construction or Works:

73. 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.

74. 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.

75. 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.

76. 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.

77. 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.

78. All work (excluding demolition which has separate days and hours outlined below) including building, and excavation work; and activities in the vicinity of the site generating noise associated with preparation for the commencement of work (e.g. loading and unloading of goods, transferring of tools, machinery etc.) in connection with the proposed development must only be carried out between the hours of 7.00am and 5.00pm on Monday to Fridays inclusive, and 8.00am to 5.00pm on Saturday. No work is to be carried out on Sunday or public holidays.

Demolition works are restricted to Monday to Friday between the hours of 7.00am to 5.00pm. No demolition works are to be undertaken on Saturdays, Sundays or Public Holidays.

Note: Council may allow extended work hours for properties located on land affected by Parramatta City Centre LEP 2007 in limited circumstances and upon written application and approval being given by Parramatta City Council at least 30 days in advance.

Such circumstances where extended hours may be permitted include:

- (a) Delivery of cranes required to the site outside of normal business hours;
- (b) Site is not located in close proximity to residential use or sensitive land uses;
- (c) Internal fit out work.

Reason: To protect the amenity of the area.

79. The applicant shall record details of all complaints received during the construction period in an up to date complaints register. The register shall record, but not necessarily be limited to:
- (a) The date and time of the complaint;
 - (b) The means by which the complaint was made;
 - (c) Any personal details of the complainants that were provided, or if no details were provided, a note to that affect;
 - (d) Nature of the complaints;
 - (e) Any action(s) taken by the applicant in relation to the complaint, including any follow up contact with the complainant; and
 - (f) If no action was taken by the applicant in relation to the complaint, the reason(s) why no action was taken.

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

80. 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.

81. 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.

82. 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.

83. Hazardous or intractable wastes arising from the demolition process shall be removed and disposed of in accordance with the requirements of Work Cover NSW and the EPA, and with the provisions of:

- (a) Work Health and Safety Act 2011
- (b) NSW Protection Of the Environment Operations Act 1997 (NSW) and
- (c) NSW Department of Environment and Climate Change Environmental Guidelines; Assessment, Classification and Management of Liquid and Non Liquid Wastes (1999).

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

84. 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.

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

Reason: Protection of existing environmental infrastructure and community assets.

86. A 200mm wide grated channel/trench drain with a heavy - duty removable galvanised grate is to be provided in front of the garage door/ basement parking slab to collect driveway runoff. The channel drain shall be connected to the main drainage system and must have an outlet of minimum diameter 150mm to prevent blockage by silt and debris.

Reason: Stormwater control.

87. 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.

88. 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.

89. 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.

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

Reason: To provide satisfactory drainage.

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

Reason: To ensure pedestrian safety

92. 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.

93. Following excavation and removal of any underground storage tank the land shall be assessed in accordance with the NSW Environment Protection Authority's Guidelines for Assessing Service Station Sites (1994). A report on the investigation is to be supplied to Council's Environment and Health unit.

At the completion of the investigation a site audit statement shall be issued by an approved NSW Environment Protection Authority Auditor in accordance with the NSW Environment Protection Authority's Guidelines for the NSW Site Auditor Scheme.

Reason: To ensure that the land is left in a safe and healthy condition.

94. Any underground tanks shall be decommissioned and removed in accordance with:
- (a) Australian Institute of Petroleum (AIP) Code of Practice for the Removal and Disposal of Underground Petroleum Storage Tanks (ref. AIP CP22).
 - (b) Australian Standard AS 1940: 2004 AS 1940:2004 The Storage and Handling of Flammable and Combustible Liquids.
 - (c) Work Cover NSW Code of Practice for the Storage and Handling of Dangerous Goods
 - (d) NSW Department of Environment and Climate Change: Environmental Guidelines: Assessment, Classification and Management of Liquid and Non Liquid Wastes

Reason: To ensure the safe removal of underground storage tanks.

95. Occupation of any part of the footpath or road (including the service lane on the east side of the site) at or above (carrying out work, storage of building materials and the like) 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. Vehicle access to the laneway is to be maintained at all times of occupancy.

Reason: Traffic Safety and efficiency.

96. 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.

97. The developer is to submit all documentation at least six (6) weeks prior to commencement of construction and is to meet the full cost of the assessment by Roads and Maritime. The report and any enquiries should be forwarded to:

Project Engineer, External Works
Sydney Asset Management
Roads and Maritime Services
PO Box 973 Parramatta CBD 2124.
Telephone 8849 2114
Fax 8849 2766

If it is necessary to excavate below the level of the base of the footings of the adjoining roadways, the person acting on the consent shall ensure that the owner/s of the roadway is/are given at least seven (7) days notice of the intention to excavate below the base of the footings. The notice is to include complete details of the work.

Reason: To ensure appropriate vehicular manoeuvring is provided

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

Reason: To ensure appropriate landscaping.

99. The approved tree removal must be supervised by an Australian Qualification Framework (AQF) Level 3 Arborist in accordance with the provisions of the Draft Tree Work Code of Practice 2007.

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

Prior to the issue of an Occupation Certificate:

100. An application for street numbering shall be lodged with Council for approval, prior to the issue of an Occupation Certificate.

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

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

101. 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.

102. 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.

103. 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. 509947M_02 dated 28 July 2014 will be complied with prior to occupation.

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

104. Noise attenuation measures shall be incorporated into the development to comply with the design requirements of Department of Environment, Climate Change and Water's Road and Rail Noise Intrusion Guidelines and the recommendations of the submitted Acoustic Report (File Reference: 2396R20140725dImfcChurchStParramatta_V3.docx prepared by Koikas Acoustics Pty Ltd dated 25 July 2014). Prior to the issue of an occupation certificate, the developer must submit to the accredited certifier a report from a practicing acoustic engineer (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants), verifying that the works as installed meet the above design condition.

Reason: To minimise the impact of rail and road traffic noise on the development.

105. The Principal Certifying Authority shall be responsible for ensuring the recommendations of the following reports have been incorporated within the design and construction of the development:

Document Report	Date
Acoustic Report – File Reference: 2396R20140725dlmfcChurchStParramatta_V3.docx prepared by Koikas Acoustics Pty Ltd	25 July 2014
Stage 1 Site Contamination Assessment – Project No. GEOTLCOV24919AA prepared by Coffey Environments Australia Pty Ltd	16 August 2013
Solar Light Reflectivity Analysis – Reference WB748-01F02(REV0) – SR Report prepared by Windtech	18 September 2013
Pedestrian Wind Environment Study – Reference WB748-01F03(REV0) prepared by Windtech	13 September 2013
Sustainability Management Plan Project No. 27427-SYD-G-1 prepared by Nicholas Johnson	3 December 2014
Thermal Comfort Study prepared by Efficient Living (Reference 8802 – Issue A)	27 February 2015

Certification from appropriately qualified consultants shall be submitted to the Principal Certifying Authority confirming that all relevant works have been carried out or complied with.

Reason: To ensure the recommendations of the reports have been implemented within the development.

106. 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.

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

The record must include details of:

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

- (g) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.
108. A qualified Landscape Architect/Designer must certify that the completed works are in accordance with the approved landscape plan. All landscape works must be completed prior to the issue of an Occupation Certificate.
Reason: To ensure restoration of environmental amenity.
109. The landscaping shall be completed in accordance with the consent and approved plans, prior to occupation or use of the premises and shall be maintained at all times.
Reason: To ensure landscaping is completed in accordance with the approved plans and maintained.
110. Submission of documentation confirming satisfactory arrangements have been made for the provision of electricity services from an approved electrical energy provider prior to the issue of an Occupation Certificate.
Reason: To ensure appropriate electricity services are provided.
111. A pedestrian phase (including lantern, kerb ramps, line marking and all associated works) is to be constructed across the northern leg of the traffic signals at the intersection of Great Western Highway and Church Street to accommodate pedestrian traffic generated by the development. The provision of this pedestrian phase is to be to the satisfaction of Council and Roads and Maritime Services. All costs associated with the supply and installation of pedestrian phase are to be paid for by the applicant at no cost to Council.
Reason: Traffic Safety and efficiency.
112. All civil and landscape works required to Anderson Lane (as required and approved via this consent) are to be completed to the satisfaction of Council's Civil Assets Team and Roads and Maritime Services before the issue of an Occupation certificate.
Reason: To ensure the works are carried out to an acceptable standard.
113. Car park style speed humps to be installed on heavy vehicle access roads to all approaches to pedestrian thoroughfare to reduce heavy vehicle speed.
Reason: To ensure safety of pedestrians.
114. 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.

115. 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.

116. An evacuation report and procedure shall be prepared by an appropriate consulting engineer. This report is to demonstrate how the occupants of the development will egress the site in the early stages of a storm event, together with how they will seek refuge in a peak stormwater event (i.e. first floor of the building etc.). The report shall be submitted to the Principal Certifying Authority prior to the issue of the Occupation Certificate. A copy of the report shall be attached to the Occupation Certificate when forwarded to Council.

Reason: To make property owners/residents aware of the procedure in the case of flood.

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

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

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

damage was caused to Council's Assets or that the damage has been rectified.

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

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

118. 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.

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

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

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

120. All land titles within the site must be consolidated into one lot. A plan of consolidation must be registered with the Land and Property Information Division of the Department of Lands, prior to an Occupation Certificate being issued.

Reason: To comply with the *Conveyancing Act 1919*.

121. 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.

Reason: To ensure the adequate on-going maintenance and operation of the drainage system.

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

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

NOTE: For more information contact NBN Co.

Development Liaison Team:

Call 1800 881 816

Email newdevelopments@nbnco.com.au

Web www.nbnco.com.au/NewDevelopments

123. All works approved within the Alignments Plan and Public Domain Plan are to be carried out to the satisfaction Council's Manager, Civil Assets before the issue of an Occupation Certificate.

Reason: To ensure public domain works are complete.

124. The artworks (Arts Plan) are to be installed to the satisfaction of Council prior to the issue of the Occupation Certificate.

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

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

125. Certification must be provided prior to the issue of an occupation certificate that the required adaptable dwelling(s) have achieved a class C design in accordance with the requirements of AS 4299 -1995.
Reason: To ensure the requirements of DCP 2011 have been met.
126. Design Verification issued by a registered architect is to be provided with the application for a Occupation Certificate verifying that the residential flat development achieves the design quality of the development as shown in the plans and specifications in respect of which the construction certificate was issued, having regard to the design quality principles set out in Part 2 of State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development.
Note: Qualified designer in this condition is as per the definition in SEPP 65.
Reason: To comply with the requirements of SEPP 65.
127. The Principal Certifying Authority must be satisfied that the building has been constructed in accordance with the finishes and materials of the building as approved in Condition 1 of this consent before the issue of an Occupation Certificate.
Reason: To ensure the quality of the design finishes is maintained.
128. A single antennae for the purpose of receiving television signals and a single satellite dish for the purpose of receiving satellite signals shall be installed for the entire building and not affixed to balconies or walls of individual units, and shall not be visible from any frontage.
Reason: To ensure the amenity of the area.
129. An Occupation Certificate shall not be issued until documentary evidence of compliance with the entire Development Consent No. **DA/484/2014** has been submitted to Certifying Authority.
Reason: To ensure compliance with the Environmental Planning and Assessment Act 1979 and conditions of consent.

Use of the Site:

130. The premises is to operate in accordance with the Service Vehicle Management Plan prepared by Christopher Hallam & Associates dated 6 February 2015 at all times.
Reason: To confirm the details of the application and protect the amenity of the surrounding neighbourhood.
131. All vehicles shall enter and exit the site in a forward direction at all times.
Reason: To protect the amenity of the surrounding neighbourhood.
132. The hours of operation/delivery hours for any ground floor tenancy is restricted to between the hours of 7:00am to 10:00pm daily. Any modification to these hours is subject to separate development consent for the tenancy.
Reason: To protect the amenity of the area.

133. All loading and unloading must take place within the designated loading areas on the subject property and wholly within the site at all times.
Reason: To protect the amenity of the neighbourhood.
134. All waste storage areas are to be maintained in a clean and tidy condition at all times. 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. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.
Reason: To ensure the ongoing management of waste storage areas.
135. The operation of the premises is to be conducted in a manner which does not pollute waters as defined by the Protection of the Environment Operations Act 1997.
Reason: To ensure that stormwater drains are not polluted.
136. All wastewater and stormwater treatment devices (including drainage systems, sumps and traps) shall be regularly maintained in order to remain effective. All solid and liquid wastes collected from the device must be disposed of in accordance with the Protection of the Environment Operations Act 1997.
Reason: To ensure effective operation of equipment.
137. The air conditioner/s must not:
- (a) emit noise that is audible within a habitable room in any other residential property (regardless of whether any door or window to that room is open):
 - (i) before 8.00am and after 10.00pm on any Saturday, Sunday or public holiday; or
 - (ii) before 7.00am and after 10.00pm on any other day.
 - (b) emit a sound pressure level when measured at the boundary of any other residential property, at a time other than those specified in (i) and above, which exceeds the background (LA90, 15 minute) by more than 5dB(A). The source noise level must be measured as a LAeq 15 minute.
- Reason:** To prevent loss of amenity to the area.
138. The proposed use of the premises and the operation of all plant and equipment shall not give rise to an 'offensive noise' as defined in the Protection of the Environment Operations Act 1997.
Reason: To protect the amenity of the area.
139. The use of the premises not giving rise to:
- (a) transmission of unacceptable vibration to any place of different occupancy,
 - (b) a sound pressure level measured at any point on the boundary of any affected residential premises that exceeds the background noise level by more than 5 dB(A). The source noise level shall be assessed as an

L_{Aeq},15 min and adjusted in accordance with Environment Protection Authority (EPA) guidelines for tonality, frequency weighting, impulsive characteristics, fluctuations, and temporal content as described in the NSW Environmental Planning & Assessment Act 1979: Environmental Noise Control Manual, Industrial Noise Policy 2000 and the Protection of the Environment Operations Act 1997.

Reason: To prevent loss of amenity to the area.

140. 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.

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

Reason: To protect the amenity of the area.

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

Reason: To provide an appropriate streetscape appearance.

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

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

Advisory Notes

- (A) All works and/or regulatory signposting associated with the proposed development shall be at no cost to Council and Roads and Maritime Services.
- (B) The developer shall be responsible for all public utility adjustment/relocation works, necessitated by the approved works and as required by the various public utility authorities and/or their agents.

Attachment 1 Political donations/gifts disclosure (2 pages)