

## ASSESSMENT REPORT – Shop Top Housing Development S79C – Environmental Planning & Assessment Act 1979

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### SUMMARY

DA No:	DA/828/2014
Property:	Lot 9 DP 834791 SUBJ TO E'MENT FOR SUBSTATION NO 17739, Goodyear Building, 464 Church Street, PARRAMATTA NSW 2150
Proposal:	Substantial alterations and additions to an existing seven storey commercial building including the provision of additional floor space on upper levels and the addition of an eighth storey. Approval is also sought to use the building as a mixed use development containing 1347sqm of commercial/retail space and 106 residential units.
Date of receipt:	5 December 2014
Applicant:	CBD 888 PTY LTD
Owner:	Stourton Properties Pty Ltd
Property owned by a Council employee or Councillor:	The site is not known to be owned by a Council employee or Councillor
Political donations/gifts disclosed:	None disclosed on the application form
Submissions received:	One submission was received during the notification/advertisement period of the DA
Recommendation:	Approval
Assessment Officer:	Diep Hang

### Legislative requirements

Zoning:	B4 Mixed Use
Permissible under:	Parramatta City Centre Local Environmental Plan 2007
Relevant legislation/policies	State Environmental Planning Policy No. 55 – Remediation of Land, State Environmental Planning Policy No. 65 (Design Quality of Residential Flat Buildings), State Environmental Planning Policy (Infrastructure) 2007, Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005 (Deemed SEPP), State

Environmental Planning Policy (Building Sustainability Index: BASIX) 2004, Parramatta City Centre LEP 2007, Parramatta Development Control Plan 2011, Policy for the Handling of Unclear insufficient and amended development applications

Heritage	No – The subject site is not of local or state heritage significance. The subject site is located within the vicinity of heritage items, being No.458 Church Street (bicycle shop – Local significance) and No.31 Fennel Street/No.423 Church Street (stable and potential archaeological site – State significance).
Heritage Conservation Area	No – The subject site is not located within a heritage conservation area.
Integrated development	No
Designated development	No
Crown development	No

#### **Site History:**

On 17 September 2014, a Pre-lodgement Application (PL/102/2014) meeting was held at Council. The development, subject of the meeting involved alterations and additions to an existing commercial building to create retail space at the ground floor and 122 residential units with car parking for 170 vehicles.

## **SECTION 79C EVALUATION**

### **THE PROPOSAL**

The subject Development Application seeks consent for alterations and additions to an existing multi-storey commercial building to enable the conversion and use to a 'mixed use development'. The proposal involves the following works:

- Provision of 1,347m<sup>2</sup> of commercial/retail floor space at ground level and part of the first floor level. This floor space will be broken up into 4 tenancies on the ground floor and 3 tenancies on the first floor;
- Construction of an additional storey on top of the existing building (Level 7);
- Reconfiguration of the building to comprise 106 residential units located on part of Level 1 and all of Levels 2 to 7;
- Provision of 163 car parking spaces located within 2 basement levels and at-grade at the rear of the building;
- Provision of 42 bicycle spaces at-grade;
- A dwelling mix comprising of 39 x 1 bedroom units, 58 x 2 bedroom units and 9 x 3 bedroom units;
- Substantial modifications to the external facade of the building including the provision of balconies to each residential unit within the development and changes to the external materials and design elements of the building.

The proposal comprises the following:

### *Basement Level 2*

- A total of 47 residential parking spaces (including 11 accessible parking spaces);
- A total of 11 storage units;
- Two (2) fire stairwells (one located along the northern elevation and one adjacent to the lift); and
- Plant room.

### *Basement Level 1*

- Basement 1A – 28 residential parking spaces, 17 visitor parking spaces, roller door and dividing wall, hydrant pump room, 34 storage units, lift and 2 fire stairwells (one located along the northern elevation and one adjacent to the lift);
- Basement 1B – 33 residential parking spaces, plant room and 1 fire stairwell (located along the eastern elevation).

### *Ground Floor*

- A total of 4 commercial/retail tenancies with a total of 751m<sup>2</sup> of floor space as follows:
  - Shop 1: 366m<sup>2</sup>;
  - Shop 2: 154m<sup>2</sup>;
  - Shop 3: 152m<sup>2</sup>; and
  - Shop 4: 79m<sup>2</sup>.
- Two pedestrian pathways to provide access to the residential lobby from Church Street;
- Stairs providing access to the residential lobby from Fennel Street;
- Change room, storage room, female and male toilets, accessible toilet, substation, bin deposit and bulky waste storage area, loading bay, and switch room;
- A total of 28 at-grade commercial parking spaces (including one accessible parking space);
- A total of 10 at-grade visitor parking spaces (inclusive of one combined visitor/car wash bay and one accessible parking space);
- Bicycle storage to accommodate 42 bicycles; and
- A total of 3 lifts and 7 stairwells (inclusive of fire stair wells).

### *Level 1*

- A total of 3 commercial/retail tenancies with a total of 596m<sup>2</sup> of floor space as follows:
  - Shop 1: 105m<sup>2</sup>;
  - Shop 2: 272m<sup>2</sup>; and
  - Shop 3: 219m<sup>2</sup>.
- A total of 9 residential units with a dwelling mix as follows:
  - 2 x one-bedroom;
  - 1 x one-bedroom with study;
  - 5 x two-bedroom; and
  - 1 x three-bedroom
- Communal open space comprising of turfed areas, seating, BBQ facilities with associated tables and seating, community facility room with male and female toilets and landscaping.
- A total of 3 lifts and 5 stairwells (inclusive of fire stair wells) and garbage chute.

### *Level 2*

- A total of 18 residential units with a dwelling mix as follows:
  - 8 x one-bedroom; and
  - 10 x two-bedroom.
- A total of 2 lifts and 4 stairwells (inclusive of fire stair wells) and garbage chute.

#### Level 3

- A total of 21 residential units with a dwelling mix as follows:
  - 8 x one-bedroom;
  - 7 x two-bedroom;
  - 1 x three-bedroom;
  - 4 x two-bedroom maisonette apartments; and
  - 1 x three-bedroom with study maisonette apartments.
- A total of 2 lifts and 4 stairwells (inclusive of fire stair wells) and garbage chute.

#### Level 4

- A total of 13 residential units with a dwelling mix as follows:
  - 5 x one-bedroom;
  - 7 x two-bedroom; and
  - 1 x three-bedroom.
- A total of 2 lifts and 4 stairwells (inclusive of fire stair wells) and garbage chute.

#### Level 5

- A total of 21 residential units with a dwelling mix as follows:
  - 7 x one-bedroom;
  - 7 x two-bedroom;
  - 1 x three-bedroom;
  - 5 x two-bedroom maisonette apartments; and
  - 1 x three-bedroom maisonette apartments.
- A total of 2 lifts and 4 stairwells (inclusive of fire stair wells) and garbage chute.

#### Level 6

- A total of 13 residential units with a dwelling mix as follows:
  - 5 x one-bedroom;
  - 7 x two-bedroom; and
  - 1 x three-bedroom.
- A total of 2 lifts and 3 stairwells (inclusive of fire stair wells) and garbage chute.

#### Level 7

- A total of 11 residential units with a dwelling mix as follows:
  - 3 x one-bedroom
  - 6 x two-bedroom
  - 2 x three-bedroom
- A total of 2 lifts and 3 stairwells (inclusive of fire stair wells) and garbage chute.

### PERMISSIBILITY

The site is zoned B4 Mixed Use under Parramatta City Centre Local Environmental Plan 2007. The proposed works are for alterations and additions to an existing commercial building with conversion to a mixed use development. The definition of a **'mixed use development'** is as follows:

*"Mixed use development means a building or place comprising 2 or more different land uses".*

Accordingly, the proposed development is suitably defined as 'mixed use development' which is considered to be permissible with development consent.

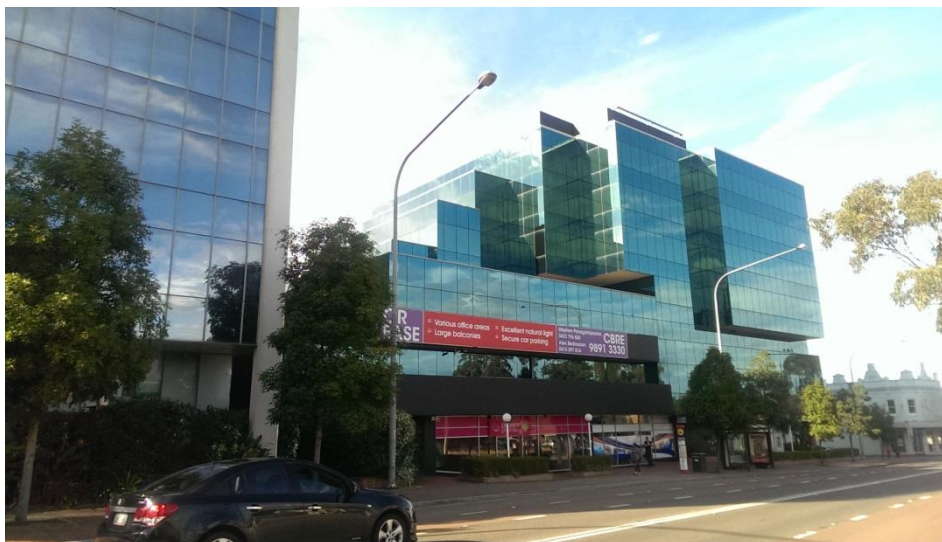
### SITE & SURROUNDS

The site is generally rectangular in shape and is located on the corner of Church and Fennell Streets. The site has a frontage of 45m to Fennell Street and 70m to Church Street with a total site area of 3,556m<sup>2</sup>. The site currently comprises a 7 storey commercial building with retail uses located on the ground floor.

Adjoining the site to the north is a 10 storey commercial building, a single dwelling and a multi-unit building adjoining the site to the east. Opposite the site to the south is a 2 storey commercial/retail building which is separated by Fennell Street.



**Figure 1:** Aerial image of the site in context. The site is outlined in white.



**Figure 2:** The subject site.

## REFERRALS

### Design Review Panel

The development application was referred to the Parramatta Design Excellence Advisory Panel (DEAP) for comment wherein various recommendations were made in relation to the design of the proposed development.

Amended plans addressing the comments made by DEAP were submitted to Council and are considered satisfactory by Council's Urban Designer.

The main amendments made to the plans as a result of DEAP's recommendations included:

- Amendments to the ground floor grades and levels to improve connection of the ground floor spaces with the public domain;
- Inclusion of bi-fold doors to shops located on the ground floor to activate the footpath area and demonstrate a better interaction between the shops and the street;
- Internal floor plans were amended to improve the orientation, access to light and internal layout of numerous apartments;
- A more solid awning was proposed to replace the previously proposed glass awning;
- The footpath is paved and open from kerb to building edge with the exception of street tree planting to improve the streetscape;
- The apartment mix and internal layouts has been amended to improve the functionality of spaces and access to natural light; and
- Materials and finishes were also revised to correspond with DEAP's comments.

#### **Urban Design – Project Officer**

The development application was referred to Council's Urban Design Project Officer who raised no objections to the proposal subject to the imposition of conditions relating to finishes, which have been incorporated within the recommendation of this report.

One of the conditions requires the applicant to use concrete render colour matched with the existing proposal to line the balconies instead of alcubond. It was considered that concrete was a material that was more appropriate for the residential component of the development.

#### **Urban Design – Public Domain**

The development application was referred to Council's Urban Design – Public Domain Officer for comment on the proposed upgrade works to the public domain which consist of all the frontages of the development site between the gutter and building lines along Church Street and Fennell Street, which include the public footpath, recessed areas outside the building and the garden bed at the building entry on Church Street. Council's Urban Design Officer is satisfied with the proposed public works and raise no objections to the proposal subject to the imposition of conditions.

#### **Landscape/Tree Management**

The development application was referred to Council's Landscape and Tree Management officer who raised no objections to the proposed development, subject to the imposition of conditions. The development does not contain any existing trees and the landscape elements are considered satisfactory. Conditions relating to public domain works have been incorporated within the recommendation of this report.

### **Development Engineer**

The development application was referred to Council's Development Engineer for comment regarding the stormwater drainage design proposed for the building. Council's Development Engineer has raised no objections to the proposal subject to the imposition of conditions.

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

The development application was referred to Council's Traffic and Transport Investigations Engineer who raises no objections to the vehicular access and parking arrangements proposed for the development subject to the imposition of conditions.

### **Building Surveyor**

Council's Building Surveyor has reviewed the proposal and raises no objections to the development subject to the imposition of standard conditions of consent requiring all works to be carried out in accordance with the Building Code of Australia (National Construction Code).

### **Heritage Advisor**

The development application was referred to Council's Heritage Advisor for comment as the site is in close proximity to two listed heritage items being 458 Church Street (bicycle shop – Local significance) and 31 Fennel Street/423 Church Street (stable and potential archaeological site – State significance). The subject site is also located within an identified view cone from the Old Government House. It should be noted that the site, however, is not located within a view corridor.

The Technical Report – Development in Parramatta City and the Impact on Old Government House and Domain's World and Natural Heritage Listed Values, outlines that development is anticipated to occur within identified view cones. The silhouettes and massing of buildings located within view corridors should be carefully designed so that important wider views from Old Government House are maintained. The proposed development is comparable in height and massing as the existing building. The additional eighth storey proposed is recessed back from the main façade of the building. As such, the development is considered to have minimal impact or risk which results in a significant impact upon the World and National Heritage values.

The Technical Report identifies the subject site to be located within a 'sensitive area'. Sensitive areas are areas which appear in the middle ground of a view, or which do not feature within an important view cone. Given that the subject site is not within the direct view line from Old Government House, and the separation distance between sites, significant views are not considered to be impacted as a result of the development.

Council is of the opinion that the proposal does not have the potential to have a significant impact on Old Government House. Nonetheless, an advisory condition will be imposed requiring the applicant to refer the proposed development to the Australian Department of Sustainability, Environment, Water, Population for comment and/or approval before any works commence on the site. This is to ensure compliance with the requirements of the Environment Protection and Biodiversity Conservation Act (EPBC) 1999 (Cth). The minister or the minister's delegate will then decide whether the likely environmental impacts of the project are such that it should be assessed under the EPBC Act 1999 (Cth).

### **Environmental Health officer**

The development application was referred to Council's Environmental Health officer to consider the impacts of noise intrusion from the commercial/retail tenancies to the residential apartments. Council's Environmental Health Officer raised no objections to the proposal subject to the imposition of conditions.

One of the conditions requires written certification from a suitably qualified person stating that all works, methods, procedures and control measures outlined in Acoustic Report No. 13889R0-1, prepared by Rodney Stevens, dated 24 November 2014, be submitted to the Principal Certifying Authority and Council prior to the issue of any occupation certificate.

### **Waste Management**

The development application was reviewed by Council's Waste Management Officer. No objections or concerns were raised with respect to the proposed development. Standard conditions of consent have been recommended to be imposed on any consent granted.

### **Arts Officer**

The development application was referred to Council's Marketing and City Identity – City Activation section for comment with respect to the Arts Plan proposed for the development.

Council's City Activation section is satisfied with the intent of the Arts Plan submitted and recommended conditions to be imposed on any consent granted. The historical and cultural site analysis identifies key elements of the site's history and how public artworks provide the public with an insight into appropriate themes for the context of the site.

Conditions to be incorporated require the applicant to engage an Artist (or several Artists) to develop site specific artworks consistent to the proposed themes and treatment areas outlined in the Arts Plan. The artworks will need to be completed in accordance with documentation submitted to Council's satisfaction prior to the issue of an occupation certificate.

## **EXTERNAL REFERRALS**

### **Roads & Maritime Services**

The development application was referred to the Roads and Maritime Services (RMS) for comment as a small section (approx. 5m<sup>2</sup>) of the subject site is zoned SP2 and identified for acquisition.

RMS have advised that they have no objection to the proposal provided any new building or structures are clear of the existing road corridor and land subject to the SP2 zoning. The subject development does not propose any structures over this piece of land.

### **Matters raised at the Joint Regional Planning Panel Briefing**

On 11 February 2015, the Joint Regional Planning Panel (JRPP) was briefed of the proposed development. The JRPP identified the following matters which required further clarification and amendments. A response has been provided to each matter below:

- *Please provide the percentage of demolition proposed in relation to the overall existing building (this percentage should not take into account the new top floor).*

The gross floor area of the existing building is 10,966m<sup>2</sup>. The gross floor area to be demolished to accommodate the development is 1,480m<sup>2</sup>, which represents 13.5%. Please also refer to Drawing Nos. EX-101 and EX-102 (Revision B, prepared by Bureau SRH, dated 16 March 2015).

- *Please clarify what the area which has been proposed as communal open space is currently being used for.*



The communal open space for the development is proposed on Level 1. The area of the proposed communal open space is currently being used as an open car park. Please refer to site photos below:



**Figure 3:** Existing car park where communal open space is proposed, viewing north.

- *Floor plans of the existing building, including annotations depicting what each floor is currently being used for are to be submitted.*

The applicant has submitted plans clearly showing the existing floor plan of the building and extent of slab to be demolished on each floor. Please refer to Drawing Nos. EX-101 and EX-102 (Revision B, prepared by Bureau SRH, dated 16 March 2015).

- *In addition to the communal open space, a community facility/room is to be provided within the development. Plans detailing this space shall be submitted.*

A community facility/room has been provided along the south-east corner of the communal open space. The community facility/room has an area of 64m<sup>2</sup>, with female and male toilet facilities, and provides residents with active and passive recreational opportunities. Plans detailing the community facility/room are shown on the Proposed Level 1 Floor Plan (Drawing No. DA-104, Revision D, prepared by Bureau SRH, dated 16 March 2015).

- *All floor plans should include street names and the outline of adjoining properties.*

All plans have been amended to include both street names (Church Street and Fennell Street) and the outline of adjoining properties to the east and north.

- *Concern was raised about overlooking from the communal open space area into the eastern adjoining property. Further details including elevations and annotations detailing how overlooking from this space and residential units above are to be submitted.*

The eastern edge of the communal open space area is provided with a fixed decorative privacy screen to a height of 2m (measured from the finished floor level of the communal open space) that acts to partially enclose and formalise the space. The privacy screen is considered to adequately mitigate overlooking concerns to residential properties to the east.

The applicant has submitted building separation diagrams clearly outlining the distance between habitable rooms and balconies of the proposal to existing windows of the adjoining property to the east (No. 32 Fennell Street). Residential units located on Levels 2 to 7 (inclusive) provide an adequate building separation to habitable rooms of No. 32 Fennell Street. Fixed angled privacy louvers have also been proposed to the north facing windows of units located on the south-east corner of the proposal to further mitigate privacy concerns. In this regard, privacy measures employed are considered to ensure that visual amenity is maintained for future occupants and existing residents within the adjacent property to the east.

## **PUBLIC CONSULTATION**

In accordance with Appendix 5 of Parramatta Development Control Plan 2011, the application was advertised in the paper and owners and occupiers of surrounding properties were given notice of the application for a 21 day period from 17 December 2014 to 12 January 2015. Amended plans received were also readvertised in the paper, and letters sent to owners and occupiers that were originally notified, for a period of 21 days from 29 April 2015 to 20 May 2015.

In response, one submission was received. The issues raised within the submission are addressed below:

### **1. Increased noise during and after construction**

#### Planning comment

Any consent granted will be imposed with a condition of consent requiring 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.

Any breach of the above hours shall be reported to Council for investigation and compliance action.

Noise generated from the commercial/retail tenancies is considered to be comparable to the existing commercial use of the building. The siting of habitable rooms of apartments and setbacks provided are considered to minimise the impacts of noise transmission between properties.

As such, the proposal is considered to be appropriately designed to minimise noise transmission from the commercial/retail tenancies and residential apartments. Conditions will also be imposed that clearly outline Council's permitted hours for construction and demolition works.

### **2. Loss of privacy to surrounding housing**

#### Planning comment

Directly to the east of the site is an existing two storey residential flat building. The proposed development provides an adequate building separation to the existing residential flat building (No. 32 Fennell Street) in accordance with the Residential Flat Design Code guidelines. A 2m high fixed privacy screen is also provided along the entire eastern elevation of the communal open space area located on Level 1 to mitigate overlooking concerns to the adjoining residential property. Fixed angled privacy louvers have been proposed to the north facing windows of units located on the south-east corner of the proposal to further mitigate privacy concerns.

In this regard, privacy measures employed are considered to ensure that visual amenity is maintained for future occupants and existing residents within the adjacent property to the east.

### **3. Increased height, bulk and scale will impact on sunlight and view corridors**

#### Planning comment

The proposed development will increase the height of the existing building by one storey that would result in an overall building height of 29.89m. The increased building height is considered comparable to the height of the existing building. The proposed eighth storey is appropriately setback from the street frontages and common boundaries to reduce the appearance of bulk. In addition, the development provides a compliant gross floor area and as such, considered to represent a suitable scale of development for the site. Residential development to the east of the subject site on Fennell Street will receive adequate sunlight between 9am to 12pm during mid-winter.

Council's Heritage Advisor has reviewed the proposal and outlined that the subject site is within a view cone and not a view corridor. Development in accordance with the land use zoning of respective sites was always anticipated within view cones. The design and overall aesthetics of the proposal is considered to adequately respond to the context of the immediate area and not give rise to a significant impact upon heritage values.

### **4. On-street parking will increase**

#### Planning comment

The basement car park provides 163 parking spaces. There are 108 residential, 27 visitor and 28 commercial parking spaces provided within the basement car park for the development. The property is located within the City Centre where maximum parking rates apply, of which the proposed development is not considered to have a significant traffic impact on Church Street and the surrounding road network.

Council's Traffic and Transport Investigations Engineer has also reviewed the proposal and raises no objections to the development subject to the imposition of conditions.

### **5. Reduced property values**

#### Planning comment

This is not a matter of consideration under Section 79C of the Environmental Planning and Assessment Act 1979.

**6. Road closures**

Planning comment

Occupation of any part of the footpath or road 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. A construction zone will not be permitted on Church Street. This will be imposed as a condition of consent to ensure the proper management of Council assets and to ensure that there are no adverse disturbances to road networks as a result of the development.

**7. Structural problems will occur to adjoining properties as a result of construction and increased noise from rubbish trucks**

Planning comment

The proposal will utilise the existing basement car park and does not propose extensive excavation to accommodate the development. Nonetheless, a condition of consent will be imposed requiring a pre-construction and post-construction dilapidation report to be submitted at the completion of the construction works to ascertain whether the construction works carried out created any structural damage to adjoining buildings and or infrastructure.

Council's Waste Management section has reviewed the proposal and conditions have been recommended to ensure adequate waste disposal arrangements are in place. All waste generated will be collected from the waste room located on the ground floor, adjacent to the basement entry, by a private contractor. With respect to increased noise from rubbish trucks, noise generated is consistent with that anticipated from a mixed use development which is a permissible land use at the subject site.

## **ENVIRONMENTAL PLANNING INSTRUMENTS**

### **CONSERVATION AGREEMENT – COMMONWEALTH ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999**

The subject site is located at the northern edge of the City Centre, within a view cone from Parramatta's Old Government House and Domain (OGHD), as identified within Figure 4.3.3.4 of Parramatta Development Control Plan 2011.

The subject site is within the backdrop of views of the city in the river valley, and glimpses of hills behind the city in between buildings from OGHD.

OGHD is one of eleven sites in a group forming the Australian Convict Sites on the UNESCO World Heritage List. OGHD is also on the National Heritage List.

The subject site has been identified in the Technical Report - Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values, Planisphere 2012, as an area where development is likely to have minimal impact and risks on the world and national heritage values of OGHD.

Under the Commonwealth Environment Protection and Biodiversity Conservation (EPBC) Act, 1999, development that is likely to have a significant impact on the world and national heritage values of OGHD must be referred to the Australian Government Department of Sustainability, Environment, Water, Populations and Community for approval from the Australian Government Environment Minister.

As this requirement has led to uncertainty and additional assessment processes, Council has worked with the Commonwealth and State Governments to enter into a Conservation Agreement. This agreement is made under the EPBC Act and removes the need for Commonwealth referrals of developments within the area under the EPBC Act, as long as the proposed development complies with the specified planning controls in the agreement. Compliance with these specified planning controls will mitigate significant impacts of development on the values of OGHD under its world and national heritage listing.

The planning controls include the applicable maximum building height and floor space ratio controls under the City Centre LEP 2007 (Amendment 8). They also include the DCP controls outlined in the amended DCP 2011. When these controls are generally complied with, development applications do not need to be referred to the Commonwealth Government for approval under the EPBC Act.

It is noted that the Conservation Agreement is in a draft form only and has not as yet been signed by the relevant parties. Notwithstanding this, the proposed development generally complies with the abovementioned LEP and DCP controls and therefore does not need to be referred to the Commonwealth Government. Compliance with these controls are discussed further within this report.

### **STATE ENVIRONMENTAL PLANNING POLICY NO. 55 – REMEDIATION OF LAND**

#### **Complies**

The site is not identified in Council's records as being contaminated. A site inspection reveals the site does not have an obvious history of a previous land use that may have caused contamination and there is no specific evidence that indicates the site is contaminated.

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

### **Complies**

The requirements outlined in the BASIX certificate have been satisfied in the design of the proposal. A condition will be imposed to ensure such commitments are fulfilled during the construction of the development.

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

### **Complies**

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

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

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

### **Complies**

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

The application is not subject to Clause 45 of the SEPP as the development does not propose works within the vicinity of electricity infrastructure that trigger a written referral to the energy authority.

The application is not subject to Clause 101 of the SEPP as the site does not have frontage to a classified road.

The application is not subject to Clause 102 of the SEPP as the average daily traffic volume of Church Street is less than 40,000 vehicles.

## **STATE ENVIRONMENTAL PLANNING POLICY NO.65 Design Quality of Residential Flat Development 2002**

State Environmental Planning Policy No.65 – Design Quality of Residential Flat Development (SEPP 65) applies to the development as the building is greater than 3 storeys. As discussed in the referral section of the report, the application was considered by Council's Design Excellence Advisory Panel who considered SEPP 65 and found the proposal to be satisfactory.

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

## ***Context***

Generally, the design of the proposed building is considered to respond and contribute to its context, especially having regard to the desired future qualities of the area. This DA meets the requirements of the Parramatta City Centre Local Environmental Plan 2007 in terms of height, as well as being a permissible land use. The context of the building is appropriate for its location.

## ***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, with the building meeting envelope and footprint controls prescribed by the LEP and its DCP.

## ***Built form***

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

## ***Density***

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

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

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

## ***Landscape***

A landscape plan was submitted with the proposal. The landscaping options are considered to be adequate. The ground level perimeter landscaping will provide suitable visual amenity for the future building's occupants.

## ***Amenity***

Generally, 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.

## ***Safety and security***

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

## ***Social dimensions***

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

## ***Aesthetics***

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

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

### **RESIDENTIAL FLAT DESIGN CODE**

PARAMETER	CONTROL	PROPOSAL	COMPLIANCE
Building Depth	Depth should be between 10-18m	Variable building depth of 16m-28m	No*
Building Separation	12m between habitable rooms (up to 4 storeys) 18m between habitable rooms (5-8 storeys)	<u>East:</u> Levels 1 to 3 provide a compliant building separation greater than 12m. A nil setback is proposed along the eastern elevation with no openings for residential Levels 1 to 6 (inclusive) – complies. Levels 4 to 7 provide a compliant building separation greater than 18m.  <u>North:</u> The northern elevation provides a minimum setback to the common boundary of 2.01m. No openings are proposed along this elevation for residential Levels 1 to 7 (inclusive). Levels 2 to 7 (inclusive) provide a building	Yes



		<p>separation greater than 18m. In addition, privacy screens have been employed to windows within 6m of the common eastern boundary.</p> <p><u>Internal Separation:</u> Habitable rooms and balconies of units have been designed to ensure adequate amenity and privacy is maintained for building occupants.</p> <p><u>West &amp; South:</u> The development addresses the both street frontages and provides passive surveillance to Church Street and Fennell Street.</p>	
Deep Soil	A minimum of 25% of the open space area should be a deep soil zone.	Nil	No*
Open Space	<p>The area of communal open space (COS) should be between 25-30% of the site area.</p> <p>The site has an area of 3556m<sup>2</sup>.</p> <p>As such, COS area of 889m<sup>2</sup> should be provided.</p>	<p>993m<sup>2</sup> of COS has been provided on Level 1. The COS includes turfed areas, a BBQ area with associated tables and seating, a community facility room with female and male toilets and landscaping.</p> <p>The COS is able to accommodate active and passive uses for occupants and visitors.</p>	Yes
Safety	Residential developments of more than 20 new dwellings require a formal crime risk assessment.	Not provided	No*
Vehicle Access	Limit driveway widths to 6m.	The proposal utilizes the existing driveway which is greater than 6m in width.	No*
Storage	<p>In addition to kitchen cupboards and bedroom wardrobes storage should be provided as follows:</p> <p>1 bedroom 6m<sup>3</sup> 2 bedroom 8m<sup>3</sup> 3 bedroom 10m<sup>3</sup></p>	<p>Small linen cupboards and walk-in/built-in wardrobes are provided for each unit.</p> <p>Additional storage is provided for units with insufficient internal</p>	Yes

		storage within the basement levels.	
Balconies	Provide primary balconies for all apartments with a minimum depth of 2m.  If 3br or more apartment, a 2.4m deep primary balcony provided that can accommodate a table and 4 chairs.	All apartments have primary balconies with a minimum depth of 2m (for one and two bedroom units) and 2.4m (for three bedroom units).	Yes
Residential Ceiling Heights	Min. 3.3m GF retail/com.  Min. 2.7m residential	Ground floor retail ceiling height: 4.58m. Level 1 retail/com ceiling height 3.5m  Level 1 residential ceiling height 3.5m Levels 2 to 6 ceiling heights of 2.95m Level 7 ceiling height 2.7m	Yes
Min. Apartment size	1 bedroom 50m2 2 bedroom 70m2 3 bedroom 95m2	All units comply with the respective minimum apartment sizes.	Yes
Internal Circulation	A maximum of 8 units should be provided off a double loaded corridor	Lift cores proposed provide for more than 8 dwellings.	No*
Daylight Access	Living rooms and private open spaces for at least 70% of apartments should receive 3 hours direct solar access on winter solstice, between 9am and 3pm. In dense urban areas, a minimum of 2hours may be acceptable  Limit the number of single aspect apartments with a SW-SE aspect to a maximum of 10% of total units	The subject site is located in the City Centre, and as such, considered to qualify as being located within a dense urban area. 76% (81 out of 106) apartments receive a minimum of 2 hours of direct sunlight between 9am and 3pm, during mid-winter.  Less than 10% of units proposed have sole aspect to the south (8 out of 106).  South facing masionette apartments orientate balconies and living areas to the north.	Yes  Yes

Natural ventilation	60% of units should be naturally cross ventilated	62.3% (66 out of 106) apartments are naturally cross ventilated	Yes
	At least 25% of kitchens should have access to natural ventilation	A minimum of 25% of kitchens have direct access to natural ventilation. Kitchens located adjacent to balconies and windows.	Yes

\*This is discussed below

### **Building Depth**

The configuration of the existing building precludes strict compliance with building depth. Although the building has a depth of up to 28m, the dwellings achieve an acceptable depth enabling adequate cross flow ventilation and solar access. Living areas are generally located adjacent to the external walls of the development, and in this context, the building depth proposed is considered acceptable with regard to amenity. Furthermore, alterations and additions proposed to the existing building to facilitate the development is in scale with the existing and desired future character of the area.

### **Deep Soil**

Nil setback is currently provided on site for the existing building. Given the site's location within the City Centre fringe, no further deep soil can be provided on site. Planter boxes and public domain works are proposed on the ground floor to soften the visual impact of the development on the streetscape. Communal open space located on Level 1 also incorporates planting and turfed areas to provide residents with passive and active recreational opportunities. No changes to the existing deep soil provided on site, or excavation is proposed to facilitate the development. In this regard, existing deep soil on site is considered acceptable.

### **Safety**

No formal crime risk assessment was submitted with the application. Notwithstanding the above, this assessment finds the general design of the development to have acceptable safety impacts.

The development contains acceptable vehicular and pedestrian entrances, improves the sites casual surveillance of the surrounds and provides for a satisfactory control of access into the common circulation spaces.

## **Vehicular Access**

No changes to the existing vehicular access arrangements are proposed. The vehicle entry is located on the secondary frontage and away from the main pedestrian entries. The proposed development will utilise the existing 11m wide (inclusive of median) driveway to the car park accessed from Fennell Street. Council's Traffic and Transport Engineer has reviewed the access and parking arrangements and raises no objections to the driveway subject to the existing median island on the driveway be relocated to provide 5m wide entry and 4.2m wide exit driveways, separated by a 1m side concrete median. As the existing driveway is greater than 6m in width and no changes are proposed to the existing driveway, vehicle access is considered acceptable in this instance.

## **Internal Circulation**

The large floor plate of the existing building has resulted in the proposal not achieving strict compliance with the maximum number of units accessible from a single core/corridor. More than 8 units are accessible from the main lift cores on each residential level. Two lift cores are provided on each residential level to ensure the effective operation and functionality of the lift cores for residents and visitors. The main lift cores can be accessed from both Church Street and Fennell Street via the residential lobby. The development also incorporates a number of cross-over units and maisonette apartments to reduce the number of units accessed from the main lift cores. In this instance, internal circulation is considered acceptable as there are two main lift cores provided to cater for residents and apartment layouts achieve adequate levels of amenity for occupants.

The assessment has found that the application is reasonable with regard to the Rules of Thumb within SEPP 65.

## **PARRAMATTA CITY CENTRE LOCAL ENVIRONMENTAL PLAN 2007**

### **Zone Objectives**

The objectives of the B4 Mixed Use zone include:

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

- *To protect and enhance the unique qualities and character of special areas within the Parramatta city centre.*

The proposed development is consistent with the aims and objectives of the B4 Mixed Use zoning applying to the land as the proposed development provides a mixture of compatible land uses that integrate suitable commercial and retail uses with residential in an accessible location so as to maximise public transport patronage and encourage walking and cycling. Alterations and additions proposed to the existing building are also considered to enhance the unique qualities and character of the immediate area.

The relevant numeric controls to be considered under Parramatta City Centre Local Environmental Plan 2007 (PCCLEP 2007) for the proposed development are outlined below.

<b>COMPLIANCE TABLE</b>		
<b>Development standard</b>	<b>Compliance Yes/No</b>	<b>Comment</b>
<b>Clause 12 - Permissible within zone?</b>	Yes	B4 Mixed use
<b>Clause 21 – Height of buildings</b>  24m	No – See Clause 24 variation below (24.54% variation)	Maximum building height is 29.89m.
<b>Clause 21A – Architectural Roof Features</b>	Yes	The proposal does not contain an architectural roof feature which exceeds Council's height standards.
<b>Clause 22 – Floor space Ratio</b>  3.0:1 (10,704m <sup>2</sup> )	Yes	The maximum floor space ratio is 2.98:1 (10,648m <sup>2</sup> )
<b>Clause 22a – Minimum Building Street Frontage</b>  One (1) street frontage of more than twenty (20) metres.	Yes	Church Street and Fennell Street frontage in excess of 20m (70m and 45m respectively).

<p><b>Clause 22B – Design Excellence</b></p> <p>Requires the consent authority to consider whether the proposal exhibits design excellence.</p>	<p>Yes</p>	<p>The proposed external materials and finishes predominately consisting of rendered and painted concrete as well as composite aluminium cladding panels, timber and metal privacy screens, louvres and balconies are compatible within the locality. The corner elements have been reinforced with windows and curved walls articulating the multi frontage aspect of the site.</p> <p>In addition the textured cladding, colours and screens on the building elevations adequately provides for visual interest in the streetscape. It is considered that the proposal represents satisfactory design excellence as viewed from the public domain.</p>
<p><b>Clause 22C – Car parking Maximum Allowed</b></p> <p>Shops 1 parking space provided for every 30m<sup>2</sup> of gross floor area.</p> <p>1347m<sup>2</sup> of commercial space = Maximum 45 spaces permitted.</p> <p>Residential Maximum 1 space/dwelling, plus 1 space for every 5 dwellings for visitors</p> <p>= Maximum 106 residential car spaces permitted</p> <p>Visitors 1 space/5 dwellings = 21 visitor car spaces required.</p> <p>Total required = Maximum 172 car spaces</p>	<p>Yes – as parking requirement is a maximum requirement.</p>	<p>Total of 163 car parking spaces provided</p>
<p><b>Clause 22 E – Ecologically Sustainable Development</b></p>	<p>Yes</p>	<p>The design has been prepared having regard to the opportunity of passive solar design and day lighting, suitable orientation and natural ventilation. The proposal provides for an adequate Waste Management Plan and adequately reduces car dependency.</p>

<p><b>Clause 22 G – Objectives for development within Parramatta City Centre Special Areas.</b></p> <p>Does the development have regard to the objectives for the City East Special Precinct within the Parramatta City Centre Development Control Plan 2007?</p>	Yes	Please refer to the relevant assessment within Parramatta City Centre Development Control Plan 2007
<p><b>Clause 33A – Development on Flood Prone Land</b></p> <p>Clause 33A requires the consent authority to consider the effects of flooding on development nominated as being on flood prone land.</p>	Yes	The site is not identified as being flood prone.
<p><b>Clause 33B – Acid Sulfate Soils</b></p> <p>Clause 33B requires the consent authority to ensure that development does not disturb, expose or drain acid sulfate soils and cause environmental damage.</p>	Yes	The site is identified as containing Class 5 Acid Sulfate Soils and does not require the submission of An Acid Sulfate Soil Management Plan as the proposed basement car parks are existing no excavation is proposed as part of this application.
<p><b>Clause 34 - Tree Preservation</b></p>	Yes	The proposal does not result in the removal of trees and does not adversely impact on trees located within adjoining properties. Council's Landscape and Tree Management Officer has reviewed the proposed development and raises no objections to the proposal subject to conditions.

<b>Clause 35 – Heritage</b>	Yes	<p>The site is not identified as a heritage item and is not located within a heritage conservation area.</p> <p>The site is within the vicinity of heritage items, being No.458 Church Street (bicycle shop – Local significance) and No.31 Fennell Street/No.423 Church Street (stable and potential archaeological site – State significance).</p> <p>Council's Heritage Advisor has reviewed the proposal and outlined that given the separation between sites, it is deemed that significant views will not be impacted as a result of the development.</p>
<b>Clause 35A – Historic View Corridors</b>	Yes	<p>The subject site is not identified as being located within an identified historic view corridor. The property however is identified to be located within a view cone. The design of the development responds to the context of the area and is not considered to pose adverse impacts on views currently enjoyed.</p>

## CLAUSE 24 – EXCEPTIONS TO DEVELOPMENT STANDARDS

A written request under the provisions of Clause 24 of PCCLEP 2007 was lodged as the proposed development has a building height of 29.89m which exceeds the maximum building height by 5.89m prescribed by Clause 21 of the PCCLEP 2007. The building height proposed represents a 24.54% variation to the control.

The applicant has submitted the following justification for the variation to the building height requirement of the PCCLEP 2007 as follows:-

- *The development is consistent with the existing maximum height of the building and will align with the desired future character of the locality. It is noted that the overall perceived height will be comparable to the existing building.*
- *The design and appropriate setbacks to the street ensures that the proposed development is appropriate in the terms of scale and bulk.*
- *The proposal will retain satisfactory sky exposure and daylight to existing buildings, and to public areas.*
- *The building height enables a suitable scale of development on the site, noting that the proposal does not achieve the maximum permitted floor space ratio.*
- *The building height is comparable to the existing meaning that impacts on heritage items and their settings are limited.*
- *The proposal does not impact on historic view corridors given the overall height is largely unchanged.*



*As outlined above, the proposal remains consistent with the underlying objectives of the control and as such compliance is considered unnecessary or unreasonable in the circumstances. The above discussion demonstrates that there are sufficient environmental planning grounds to justify the departure from the control.*

*The proposal contributes to the creation of vibrant, active, safe communities and economically sound employment centres. The design concept recognises the key site attributes and provides for an attractive built form that relates to the existing site context, while minimising impacts to heritage items within the vicinity of the site.*

*It is understood the concurrence of the Director-General may be assumed in this circumstance, however the following points are made in relation to this clause:*

- a) The contravention of the maximum height control does not raise any matter of significance for State or regional environmental planning given the nature of the development proposal and unique site constraints; and*
- b) There is no public benefit in maintaining the development standard as it relates to the current proposal given the design is for the adaptable re-use of the existing building and is comparable in height to the existing building on site.*

*The departure from the maximum building height control is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality.*

*Strict compliance with the prescriptive maximum height control requirement is unreasonable and unnecessary in the context of the proposal and its particular circumstances. The proposed development meets the underlying intent of the control and is a compatible form of development that does not result in unreasonable bulk and scale and the built form exhibits design excellence whilst ensuring that the significance of heritage items within the vicinity are maintained.*

*The proposal will not have any discernible adverse effect on the surrounding locality. The proposal promotes the economic use and development of the land consistent with its zone and purpose.*

#### Planner's Comment:

Pursuant to Clause 24(3)(a) of PCCLEP 2007, it is considered that the applicant's written request for variance to the maximum building height of 24m is satisfactory for the following reasons:

- The site allows a maximum building height of 24m. The proposed variation of building height up to 5.89m is considered appropriate as the eighth storey is sufficiently setback from the eastern boundary and Church Street frontage and does not appreciably add to the scale or bulk of the existing building envelope. When viewed from the street, the proposed development is comparable in height to the existing building as the eighth storey has been recessed from adjoining properties and the street frontage.
- The proposed scale and bulk of the development maintains an appropriate interface between two land uses; that being the B4 Mixed Use zoning of the subject site which is located within the City Centre, and the adjacent R4 High Density Residential zoning of properties to the east located outside the City Centre. There are no appreciable impacts on adjoining land uses associated with the additional

height. The application has demonstrated that the increase in building height will not adversely impact on the amenity of adjoining properties with respect to solar access, visual and acoustic privacy. As such, strict compliance with the development standard is unnecessary in the circumstances.

- The proposed building envelopes on the site are consistent with mixed use development anticipated within the B4 Mixed Use zone in the City Centre. The profile of the proposal is considered to create a more uniform and articulated building form which is aesthetically appealing as viewed from Church Street and Fennell Street.
- The proposed development provides a compliant floor space ratio and has been adequately setback from common boundaries to minimise overlooking of adjoining residential properties. Privacy louvres and screening has also been provided to ensure visual privacy is maintained between properties.
- The cumulative visual impact and appearance of the proposed additional storey (Level 7) does not result in a bulky building form.
- The location of the site within close proximity to the central Parramatta CBD assures the site as a desirable location for mixed use developments of this size.
- There is no public benefit in maintaining the development standard. The departure from the maximum building height is acceptable in the circumstances given the underlying objectives are achieved and it will not set an undesirable precedent for future development within the locality.

It is therefore considered that the non-compliance with the development standard will not compromise the public interest. There are sufficient planning grounds warranting support for a variation to the development standard. In this regard, full compliance with the development standard is considered to be unreasonable and unnecessary in this instance.

Clause 24(3)(b) requires variations sought to be based on sufficient environmental planning grounds in order to justify contravening the development standard. As such, despite the non-compliance with the maximum building height for the site, the proposal remains consistent with the objectives of the zone has demonstrated the following:

- The subject site is a corner allotment and also due to the orientation of the site, the development does not unreasonably impact on the solar access of adjoining properties as a result of the variation to building height sought.
- The development generally complies with the design requirements within the PDGP 2007 and the RFDC. The application was also reviewed by DEAP whom considered the proposal (with the variation) to be satisfactory. As minimal adverse impacts result from the proposed development, the departure sought to the maximum building height is considered acceptable.
- The development provides a compliant floor space ratio. The development once constructed will be of a comparable bulk and scale with adjoining and nearby properties within the B4 Mixed Use zone along Church Street. The variation sought to the maximum 24m building height will not be dissimilar to developments located within the City Centre where higher density development is anticipated and accepted, and as such not considered unreasonable.

- The non-compliance with the maximum building height does not adversely impact on any special areas identified in the PCCLEP 2007. The building will provide an appropriately scaled mixed use development that compliments the adjoining developments.
- The extent of non-compliance does not result in any additional loss of privacy given the appropriate levels of separation and the design of balcony orientation, window placement, privacy measures employed, and overall layout of the development.
- The proposal does not result in a disruption of existing view corridors.
- The proposal does not detract from the achievement of useable and pleasant streets and public domain areas in terms of wind impact, or the unreasonable reduction of daylight access.

The applicant has provided a written request adequately addressing the matters required under Clause 24(3) regarding the departure to the maximum building height for the site.

Given that the proposed development responds to the site and does so without compromising relationships with adjoining developments, and encourages ecologically sustainable development, the development is considered to be consistent with the objectives of the particular standard and the development within the B4 Mixed Use zone. As such, compliance with the development standard is considered unreasonable or unnecessary in this instance as the proposal does not unduly compromise other relevant controls.

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

#### **PLANNING PROPOSAL AMENDMENT TO PARRAMATTA LOCAL ENVIRONMENTAL PLAN 2011 (Amalgamation of Parramatta City Centre LEP 2007)**

A Planning Proposal under the Environmental Planning & Assessment Act 1979 ('Gateway'), which proceeds as an amendment to PLEP 2011, is the only means for achieving the amalgamation of the two planning instruments. This proposal also includes amendments to the City Centre LEP Planning controls.

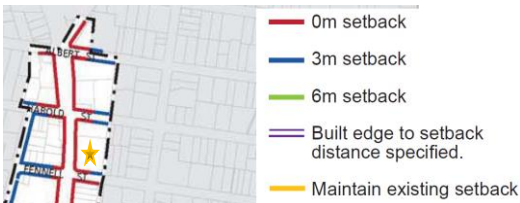
The subject site is included in the proposed planning proposal. The Planning Proposal was placed on public exhibition between 1 September 2013 and 30 September 2013 and is therefore a draft environmental planning instrument for the purposes of section 79C(1)(a)(ii) of the Act. Council is yet to adopt the Planning proposal.

The subject site is proposed to be retained as zoned B4 (Mixed Use) under the Planning Proposal. The proposed development is defined as "mixed use development" under the Planning Proposal and is permitted with development consent in the B4 (Mixed use) zone. The proposal is generally consistent with the relevant objectives of the B4 (Mixed Use) zone.

## DEVELOPMENT CONTROL PLANS

### Parramatta Development Control Plan 2011 (PDCP)

The relevant numeric controls to be considered under PDCP for the proposed development are outlined below.

COMPLIANCE TABLE		
Development control	Compliance Yes/No	Comment
<b>4.3.3.1 - Building Form</b>		
<b>4.3.3.1 (a) – Minimum Building Street Frontage</b>  One (1) street frontage of more than twenty (20) metres.	Yes	Church Street and Fennell Street frontages are 70m and 45m (respectively).
<b>4.3.3.1 (b) – Building to street alignment and street setbacks</b>  Extract of Figure 4.3.3.1.1 Building Alignment and front Setbacks (to streets, public domain and watercourses) – Part 4 Special Precincts – City Centre    The development is required to be built to the street boundaries for the entire Church Street frontage and half of Fennell Street (measured from the corner of Church Street and Fennell Street), as per Figure 4.3.3.1.	No*	Complies Retail/commercial 2, 3 & 4 provide a nil setback to Church Street and Fennell Street in accordance with Figure 4.3.3.1.  Non-compliance Retail/commercial 1 is not built to the Church Street boundary.  Non-compliance Residential apartments along the southern Fennell Street frontage are not setback 3m in accordance with Figure 4.3.3.1.
<b>4.3.3.1 (c)– Street Frontage Heights</b>  Control – Min. 4 storeys/14m North City Centre frontage as per Figure 4.3.3.5	No*	The building comprises 7 storeys and has a height of 29.89m to Church Street and Fennell Street (inclusive of the lift over-run).  Levels 4 to 7 (inclusive) along the western elevation of the development encroaches within the required 4m setback from the street.

<p><b>4.3.3.1 (d)– Building bulk and depth</b></p> <p>On land not zoned Commercial Core, preferred maximum floor plate area of residential buildings is 1000m<sup>2</sup> above a street frontage height of 26m</p>	<p>No*</p>	<p>Level 7 is above a street frontage height of 26m. The residential floor plate area of Level 7 is 1,386m<sup>2</sup>.</p>
<p><b>4.3.3.1 (e)– Building Separation</b>  <i>As per Figure 4.3.3.4.12 Building Separation</i></p> <p><u>Side Setback</u>  Zero-lot side setback up to street frontage height/max. 26m (Applicable to Ground Level to Level 6 inclusive).</p> <p>Min. 6m setback for residential use for buildings less to or equal to 54m (Applicable to Level 7)</p> <p><u>Rear Setback</u>  Zero-lot rear setback to rear boundary up to street frontage height/max. 26m (Applicable to Ground Level to Level 6 inclusive).</p> <p>Min. 9m rear setback for buildings less than or equal to 54m (Applicable to Level 7).</p> <p><i>Note: The development addresses its primary street frontage which is Church Street. As such, the eastern boundary of the site is considered to be the rear boundary; and the northern boundary is considered to be the side boundary for the purposes of assessing building separation.</i></p>	<p>No*</p>	<p>Complies  <u>Side Setback (North):</u>  The Ground Level to Level 6 (inclusive) provide a compliant variable setback of approximately 0.24m to 3.425m.</p> <p>Non-compliance  Residential units are proposed on Level 7. A variable side setback of 2.01m to 2.585m is provided.</p> <p>Complies  <u>Rear Setback (East):</u>  The Ground Level to Level 6 (inclusive) provide a compliant variable rear setback of nil to 18.81m. Level 7 provides a compliant minimum rear setback of 11.28m (measured from the edge of Unit 96's balcony).</p>
<p><b>4.3.3.1 (f)– Building Form and Wind Mitigation</b></p> <p>Wind report required for buildings greater than 32m in height.</p>	<p>N/A</p>	<p>Building has a maximum height of 29.89m.</p>

<p><b>4.3.3.1 (g)– Building Exteriors</b></p> <p>Adjoining buildings are to be considered in the design of the building.</p> <p>Balconies and terraces are to be provided.</p> <p>Facades are to be articulated to address the street and provide visual interest</p> <p>Large expanses of any single material to be avoided</p> <p>Facades should not result in glare that causes discomfort.</p>	<p>Yes</p>	<p>The proposed external materials and finishes predominately consisting of rendered and painted concrete as well as composite aluminium cladding panels, timber and metal privacy screens, louvres and balconies are compatible within the locality. The corner elements have been reinforced with windows and curved walls articulating the multi frontage aspect of the site.</p> <p>In addition the textured cladding, colours and screens on the building elevations adequately provides for visual interest in the streetscape. It is considered that the proposal represents satisfactory design excellence as viewed from the public domain.</p> <p>A condition is included in the recommendation to reduce reflectivity.</p>
<p><b>4.3.3.1 (h)– Sun access to Public Spaces</b></p>	<p>N/A</p>	<p>The proposed building has no impact upon the sun access plane that applies to Jubilee Park</p>
<p><b>4.3.3.2 – Mixed Use Buildings</b></p> <p>Retail and business activity should be located at ground level and residential uses above street level.</p> <p>Floor to ceiling height of ground floor – min 3.6m.</p> <p>Floor to ceiling height of upper floors – min 2.7m</p>	<p>Yes</p> <p>Yes</p> <p>Yes</p>	<p>Commercial/retail use is proposed on the ground level and Level 1. Residential units are proposed on Levels 1 to 7 (inclusive) of the development.</p> <p>Ground floor to ceiling height is 4.58m.</p> <p>Levels 1 to 7 (inclusive) provide a minimum ceiling height of 2.7m.</p>

Residential entries are to be clearly demarcated on the street	Yes	Residential entry is via a lobby area which can be accessed from the Church Street and Fennell Street.
Security access controls to all entrances including courtyard and car parks to be provided.	Yes	The applicant has advised that the residential lobby to the development and car parking levels will only be accessible via a security coded keying. Controlled access to the car parking levels will be secured as per existing with boom gates which require security coded keyring. The car park entry will also incorporate an intercom system.
Active uses to be located on main streets	Yes	The commercial/retail tenancies are located on the boundary of both Church Street and Fennell Street, and Level 1.
Avoid use of blank building walls at ground level.	Yes	The building has been suitably articulated at ground level with the use of curved corners, bi-fold doors and glass walls.
Substation and waste storage areas to be integrated into the design to minimise impact on active street frontages.	Yes	The proposal will utilise the existing substation and garbage storage areas which are located adjacent to the basement entry. Both the substation and waste storage areas have been well integrated into the design of the development and will have minimal impact on the street frontages of the site.

<b>4.3.3.3 (a) Public Domain and Pedestrian Amenity- Site Links and Lanes</b>	Yes	The site is not affected by any new proposed laneways.
<b>4.3.3.3 (c) Pedestrian overpasses and underpasses</b>	N/A	No pedestrian overpasses or underpasses have been proposed.
<b>4.3.3.3 (d) Awnings</b>	Yes	A continuous awning has been provided along the Church Street frontage for the subject site as per Figure 4.3.3.3.3 Awnings.
<b>4.3.3.4 Views and View corridor</b>	No*	The proposed development is identified to be located within the view corridor from Marys Hill across Parramatta's City Centre to distant hills.
<b>4.3.3.5 (a) Access and Parking- Vehicle Footpath crossing Location of vehicle access and Design of Vehicle access</b>	Yes	The proposed vehicular access is consistent with the existing access arrangements for the building and complies with Council requirements. Council's Council's Traffic and Transport Investigations Officer has reviewed the proposal and consider the development to be satisfactory subject to conditions which have been incorporated within the recommendation of this report.



<p><b>4.3.3.5 (b) Pedestrian Access and Mobility</b></p>	<p>Yes</p>	<p>The proposed building has a clearly defined and visible building entry points from Church Street and Fennell Street.</p> <p>A main lift core has been provided to access the commercial/retail tenancies on the first floor from central Church Street entry.</p> <p>Two main lift cores are provided within the building from the lobby area to the residential floors above.</p> <p>One 1:40, and two 1:14 ramps are provided from Church Street to enable disabled access into the residential lobby area and lift core to access the commercial/retail tenancies on Level 1.</p>
<p><b>4.3.3.5 (c ) - Vehicular Driveways and Manoeuvring areas</b></p>	<p>Yes</p>	<p>The basement parking and access have been assessed by Council's Traffic and Transport Investigations Officer and deemed satisfactory subject to the imposition of conditions.</p> <p>Pedestrian and vehicular entrances are clearly defined and separated.</p> <p>Vehicles can enter and exit the site safely in a forward direction.</p>

<p><b>4.3.3.5 (d) - Onsite parking</b></p> <p>Maximum of car spaces to be provided in accordance with the PCCLEP</p> <p>20 bicycle spaces to be provided in accordance with the PDCP 2011.</p>	<p>Yes - conditioned</p>	<p>The proposed development complies with the parking requirements of PCCLEP 2007.</p> <p>There is a deficiency of 18 bicycle parking spaces. A condition of consent will be imposed requiring the provision of 60 bicycle spaces. These bicycle spaces will have to be provided in the allocated bicycle parking area located on the ground floor and at the basement levels, possibly by bicycle hooks.</p> <p>Council's Landscape Officer has reviewed the application and advises, the landscape plan is appropriate.</p>
<p><b>4.3.3.6 Environmental Management - a) Landscape Design</b></p>	<p>Yes</p>	<p>The site does not contain, or is adjacent to any bush land.</p>
<p><b>4.3.3.6 Environmental Management – (c) Energy and Water Efficient Design</b></p>	<p>Yes</p>	<p>While the architects have advised that the design has incorporated these within the design. A BASIX certificate has also been provided.</p>

\* This is discussed below.

### **Building to street alignment and street setbacks**

The proposed development has incorporated bi-fold doors to shops located on the ground floor to activate the footpath area and demonstrate a better interaction between the shops and the street, as requested by DEAP. The ground level to Level 6 (inclusive) are generally built to both street boundaries. The north-west corner of the development is partially setback from Church Street as result of the existing building footprint. As part of the development, the applicant will carry out works including the provision of new street trees, garden beds and paving within the public domain to enhance the streetscape. Council's Urban Designer has reviewed the Alignments Plan and raised no objections to the proposal subject to the imposition of conditions.

Furthermore, alterations and additions proposed to the existing building to facilitate the development is in scale with the existing and desired future character of the area. As such, the minor setback of the north-west corner from the street boundary is considered acceptable in this instance as the design of the development promotes pedestrian activity and visual connection between the public domain and the interiors of the building.

## **Street Frontage Heights**

The western and southern elevations of the development encroaches within the 4m street setback required for the portions of buildings exceeding 4 storeys. Given that the proposal seeks alterations and additions to the existing building to accommodate the development, the presentation of both street walls (Levels 4 to 7 inclusive) within the setback area are considered acceptable. The existing building has adopted a strong two storey street edge and recessed element along both Church Street and Fennell Street which is outside the parameters of Council's current requirements. The non-compliance is considered acceptable in this instance as the development has been appropriately articulated and presents a comparable design and street wall interface to that of the existing building. There are also no blank walls proposed to either street frontages. The design of the development has also been reviewed by DEAP and Council's Urban Design section and considered to be consistent with development anticipated within the City Centre.

## **Building bulk and depth**

The bulk and depth of the development is acceptable pursuant to the assessment pertaining to PCCLEP 2007 and SEPP 65. Although the residential floor plate area of Level 7 is greater than 1,000m<sup>2</sup>, individual dwellings have been designed to achieve good internal amenity and the design is considered sympathetic to the topography and context of the immediate area.

## **Building Separation**

The subject site requires a built to street alignment, whereby side boundaries are permitted to be built to 0m. It is noted that the existing building and established front, side and rear setbacks are to be retained. As such, the proposal is considered to pose minimal impacts to the existing built to street alignment. Non-compliance with building separation is considered to be acceptable as appropriate levels of amenity for building occupants in terms of daylight, outlook, view sharing, ventilation and privacy is achieved.

## **Views and View Corridors**

The subject site is located within an identified view cone from Old Government House. The Technical Report – Development in Parramatta City and the Impact on Old Government House and Domain's World and National Heritage Listed Values was prepared to create a methodology which would allow proposals for any new developments to be assessed against visual impacts on the Old Government House.

The Technical Report identifies the subject site to be located within a 'sensitive area'. The 'sensitive' areas of the city are those areas which appear in the middle ground of a view, or which do not feature within an important view cone. It is noted that the development proposes an additional storey (Level 7) above the height of the existing building. Level 7 has been recessed from the main façade of the proposal, and as such is viewed comparable in height to the existing building from the street. The design of the proposed development responds to the context of the site and is considered to have minimal impact and risk upon views from the World and National Heritage Values of Old Government House.

Council's Heritage Advisor has also reviewed the proposal and outlined that given the distance and building envelope of the additional storey, significant views from Old Government House will not be directly impacted as a result of the development.

## **Other Matters**

### **Maintenance Easement**

The eastern elevation of development proposes a nil setback to the boundary. The development is permitted to be built to the boundary along the eastern boundary. In this regard, the applicant is required to obtain an easement for maintenance and access 0.9m wide (minimum) from the property to the east (32 Fennell Street), in favour of the subject property, to permit access to maintain the eastern wall of the development.

Documents relative to the creation of the easement are to be lodged with the Land and Property Information NSW with registration being effected prior to the operation of the consent. All costs associated with the creation of the easement will be borne by the applicant.

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

As the cost of works for the development exceeds \$250,000 a Section 94A development contribution of **3.0%** is required to be paid. A Detailed Cost Estimate was provided which provided a development cost of \$21,500,493. These amounts are considered to be acceptable given the works proposed. Accordingly, the Section 94A contributions are to be calculated on the value of **\$21,500,493**.

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

## **BONDS**

In accordance with Council's 2014/2015 Schedule of Fees and Charges, the developer will be obliged to pay Security Bonds to ensure the protection of civil infrastructure located in the public domain adjacent to the site. Appendix 4 contains the Security Bond conditions.

## **EP&A REGULATION 2000**

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

## **LIKELY IMPACTS**

### **Social & Economic Impact**

It is considered that the proposed development will complement the locality. The proposed development is not expected to have an adverse social or economic impact.

### **ESD & The Cumulative Impact**

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

## **SUITABILITY OF THE SITE**

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

## **SUBMISSIONS & PUBLIC INTEREST**

One submission was received in response to the notification of the application. The issues raised in this submission have been addressed in this report.

The proposed development is not contrary to the public interest.

## **CONCLUSION**

### **Deferred commencement consent**

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 proposed variation to Clause 21 of PCCLEP 2007 be supported, and that the application be approved via a deferred commencement consent, subject to the imposition of appropriate conditions for the consent to become operative, and further conditions once operative.

## **RECOMMENDATION**

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

### **DEFERRED COMMENCEMENT APPROVAL**

- (a) **That** Council support the variation to Clause 21 of Parramatta Local Environmental Plan 2007 under the provisions of Clause 24 Exception to Development Standards.
- (b) **That** Council grant deferred commencement development consent to DA/828/2014 for a period of five (5) years within which physical commencement is to occur from the date on the Notice of Determination subject to the conditions under Schedule A.

# CONDITIONS OF CONSENT

Upon the signature of the applicable delegate the conditions in this Appendix will form the conditions of development consent.

**Development Consent No.:** DA/828/2014  
**Property Address:** LOT 9 DP 834791  
 464 Church Street, PARRAMATTA NSW 2150

## SCHEDULE A – DEFERRED COMMENCEMENT

1. An easement for access and maintenance 0.9m wide (minimum) being created in favour of the property to be developed over the eastern property (No.32 Fennell Street), to permit access to maintain the eastern wall of the development.

Documents relative to the creation of the easement are to be lodged with Land and Property Information NSW with registration being effected prior to Development Consent DA/828/2014 becoming operational. All costs associated with piping, relocation and creation of easements shall be borne by the applicant.

The applicant must provide to the Council appropriate documentary evidence sufficient to enable it to be satisfied of the matters in the above condition within twenty-four (24) months or such further period as Council may determine is appropriate, upon application in writing being made to Council no later than four weeks before the Notice of Expiry date.

Upon compliance with the above requirement, a full Consent will be issued subject to the following conditions:

## SCHEDULE B

### 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 Title and No	Dated
Existing Floor Plans/ Demolition Plans prepared by Bureau SRH Architects Dwg Nos EX-101 and EX102 Revision B	16/3/2015
Existing Site Analysis/Proposed Site Plan prepared by Bureau SRH Architects Dwg No DA-001 Revision D	16/3/2015
Proposed Floor Plans prepared by Bureau SRH Architects Dwg Nos DA-101 - DA-110 Revision D	16/3/2015
Proposed Roof Plan prepared by Bureau SRH Architects Dwg No DA-111 Revision C	16/3/2015
Proposed Elevations prepared by Bureau SRH Architects Dwg Nos DA-201-202 Revision E	22/5/2015
Proposed Sections AA and BB prepared by Bureau SRH Architects Dwg No DA-301 and DA-302 Revision D	16/3/2015

Drawing Title and No	Dated
Proposed Sections CC prepared by Bureau SRH Architects Dwg No DA-303 Revision D	3/3/2015
Proposed Alignment Plan and Sections prepared by Bureau SRH Architects Dwg No DA-501 and DA-502 Revision C	16/3/2015
Stormwater Drainage Plans prepared by Engineering Studio Dwg Nos C03.01 – C03.05 Rev C, C05.01 Rev C, C04.01 Rev C, C01.01 Rev C and C02.01 Rev C all of Job No 14696	23/6/2015
Landscape Plan prepared by Carmichael Studios Dwg Nos SK01-SK03 rev A	Undated

Document(s)	Dated
BASIX Certificate No. 59452M	4/12/2014
BASIX Requirements DA-BASIX Revision A	5/12/2014
Public Arts Plan prepared by MAPA	March 2015
External Finishes Schedule prepared by Bureau SRH Revision C	18/5/2015
Acoustic Report No. 13889RO-1 prepared by Rodney Stevens Acoustics.	24 November 2014

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.

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

**Reason:** To ensure appropriate demolition practices occur.

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

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

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

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

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

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

6. Prior to commencement of any construction works associated with the approved development (including excavation if applicable), it is necessary to obtain a Construction Certificate. A Construction Certificate may be issued by Council or an Accredited Certifier. Plans and documentation submitted with the Construction Certificate are to be amended to satisfy all relevant conditions of this development consent.  
**Reason:** To ensure compliance with legislative requirements.
7. An Artist/s is to develop site specific artworks consistent with the proposed themes and treatment areas outlined in the Arts Plan referenced in Condition 1.
8. A waste storage room is to be provided on the premises, capable of accommodating all garbage, stored liquid, recyclable wastes and associated containers arising from the use of the premises and accessible by waste collection contractors.  
**Reason:** To ensure provision of adequate waste disposal arrangements
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. Any garbage chutes must be designed in accordance with the requirements of the Building Code of Australia and the Department of Environment and Climate Change Better Practice Guide for Waste Management in Multi-Unit Dwellings. Garbage chutes are not suitable for recyclable materials and must be clearly labelled to discourage improper use.  
**Reason:** To ensure waste conveyance equipment is appropriately designed and managed.
11. Separate waste processing and storage facilities are to be provided for residential and commercial tenants in mixed use developments. These facilities should be designed and located so that they cannot be accessed by the public, and are accessible by a private waste contractor for collection. A caretaker is to be appointed by the managing body to be responsible for the management of all waste facilities.  
**Reason:** To ensure waste is adequately separated and managed in mixed use developments.
12. All waste storage rooms/areas are to be fully screened from public view and are to be located clear of all landscaped areas, driveways, turning areas, truck standing areas and car parking spaces. No materials, waste matter or products are to be stored outside the building or any approved waste storage area at any time.  
**Reason:** To maintain the amenity of the area.



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

13. Prior to the issue of the Construction Certificate, a set of detailed Public Domain Construction Plans and Specifications must be submitted and approved by Council for all the works within the public domain, which consist of the following areas:

- all the frontages of the development site between the gutter and building lines along Church and Fennell Streets, which include the public footpath, recessed areas outside the building, and the garden bed at the building entry on Church Street.

The public domain construction documentation and specifications shall be prepared in accordance with the following:

- The latest Parramatta City Council Public Domain Guidelines;
- The approved public domain plans as listed above; and
- All the listed conditions in this consent.

**Reason:** To ensure the approved works being consistent and required amendments being addressed.

14. All roof water and surface water drainage should be in accordance with the following plans prepared by Engineering Studio Civil & structural consultants.
- Drawing No.C03.01 of job No. 14696 – Ground Stormwater Drainage Plan (Rev C, dated 23/06/15);
  - Drawing No. C01.01 of job No. 14696 – Sediment & erosion control plan Rev. C, dated 23.06.15
  - Drawing No. C02.01 of job No. 14696 – Roof Stormwater drainage plan Rev. C, dated 23.06.15
  - Drawing No. C00.01 of job No. 14696 – General Notes (Revision C, dated 23/06/15)
  - Drawing No.C03.02 of job No. 14696 – Longitudinal Section Sheet 1 (Rev C, dated 23/06/15);
  - Drawing No.C03.03 of job No. 14696 – Longitudinal Section Sheet 2 (Rev C, dated 23/06/15);
  - Drawing No. C05.01 of job No. 14696 – Basement 2 Stormwater drainage plan (Rev. C, dated 23/06/15)
  - Drawing No. C04.01 of job No. 14696 – Basement 1 Stormwater drainage plan (Rev. C, dated 23/06/15).

Note: The diameter of the proposed belowground stormwater pipe within the Church street frontage shall be increased to 150mm instead of the proposed 100mm.

Details are to be shown on the plans and documentation accompanying the application for a Construction Certificate.

**Reason:** To ensure satisfactory stormwater disposal.

15. All cleaning and washing of motor vehicles must be carried out in a designated area and must be drained to a sump and cleansed via a coalescing plate separator prior to discharge into the sewer. Documentary evidence is required from the Trade Waste Section of the Sydney Water Corporation Ltd confirming satisfactory arrangements have been made with the Corporation with respect to the disposal of dirty water into the sewerage system, prior to the issue of the Construction Certificate.

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

16. Noise attenuation measures shall be incorporated into the development to comply with the design requirements of Department of Environment and Climate Change Road and Rail Noise Intrusion Guidelines. A design report outlining the proposed noise attenuation measures prepared by a suitably qualified acoustical consultant (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants), is to be submitted and approved by the principal certifying authority before the issue of the construction certificate. After completion of the works, prior to the issue of an occupation certificate, the developer must submit to the accredited certifier, a report from a practicing acoustic engineer (as above) verifying that the works as installed meet the above design condition.  
**Reason:** To reduce noise levels.
17. The car wash bay, measuring a minimum of 3.5m x 5.5m 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.
18. The footpath must be constructed in accordance with Council's standard drawing DS40, and all the proposed levels and falls must comply with the Disability Discrimination Act (DDA) requirements, including the areas near the adjoining Sydney Water property. Details to be provided to the Certifying Authority prior to the issue of a Construction Certificate.  
  
The footpath paving set out and details must comply with Council's standard drawings DS40 (sheet 1-3) which can be obtained from Council's Civil Design Unit. A full accessible assessment must be conducted prior to the issue of Construction Certificate to ensure the footpath fully complied with AS1428: Design for Access and Mobility, including the all the street entries and accessible platform.
19. Motorcycle spaces are to be provided on-site and used accordingly. Installation of motorcycle spaces is to comply with AS 2890.1-2004. The proposed development does not provide motorcycle parking spaces on-site.  
**Reason:** To comply with Council's parking requirements and Australian Standards.
20. A total of 60 bicycle spaces/racks are to be provided on-site and used accordingly. Installation of bicycle spaces/racks is to comply with AS 2890.3-1993. Note that the proposed development provides 42 bicycle parking spaces with a deficiency of 18 spaces.  
**Reason:** To comply with Council's parking requirements and Australian Standards.
21. A car share space is to be provided for residential development to comply with Clause 3.6.1 of DCP 2011 and these spaces is to be publicly accessible at all times, adequately lit and signposted.  
**Reason:** To comply with Council's parking requirements.
22. Parking spaces are to be provided in accordance with the approved plans referenced in condition 1 and AS 2890.1, AS2890.2, AS2890.3 and AS 2890.6. Details are to be illustrated on plans submitted with the construction certificate. Note that the disabled car parking space at No. 30 and the adjacent shared area to be swapped between each other, and the disabled parking space at No. 31 to be relocated to space 22 and

the adjacent turning area to be used as a shared space to comply with the AS 2890.1. Bollards to be installed at the shared spaces for disabled parking spaces to comply with Figure 2.2 and Figure 2.3 of AS 2890.6 – 2009.

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

23. The existing median island on the driveway is to be relocated to provide 5m wide entry and 4.2m wide exit driveways separated by a 1m concrete median island. The island is to set back from the property boundary by 1.5m (minimum).

**Reason:** To ensure appropriate vehicular manoeuvring is provided

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

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

25. A splay extending 2m from the driveway edge along the front boundary and 2.5m from the boundary along the driveway in accordance with Figure 3.3 of AS2890.1 shall be provided to give clear sight lines of pedestrians from vehicles exiting the site. This shall be illustrated on plans submitted with the construction certificate and not be compromised by the landscaping, signage fences, walls or display materials.

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

26. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBD 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 8849 2114 or Fax: 8849 2766.

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

27. The proposed community facility/room indicated on the approved landscape plan shall be consistent with the community facility/room indicated on the approved floor plans for the development. Amended landscape plans shall be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

**Reason:** To ensure plans are consistent.

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

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

29. The internal lining of all balconies shall be render in a colour match the alucabond used for the balconies. Details to be submitted to the Certifying Authority prior to the issue of a Construction Certificate.

**Reason:** Aesthetics.

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

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

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

32. 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".

33. 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.

34. 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 plan 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.

35. A monetary contribution comprising **\$645,014.79** is payable to Parramatta City Council pursuant to Section 94A of the Environmental Planning and Assessment Act, 1979 and the Parramatta Section 94A Development Contributions Plan. Payment must be by EFTPOS, bank cheque or credit card only. The contribution is to be paid to Council prior to the issue of a Construction Certificate. 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 provide for adequate infrastructure and to comply with Council policy.

36. In accordance with Section 80A(6)(a) of the Environmental Planning and Assessment Act 1979, security bonds payable to Council for the protection of the adjacent road pavement and public assets during construction works. The bond(s) are to be lodged with Council prior to the issue of any application/approval associated with the allotment, (being a Hoarding application, Construction Certificate) and prior to any demolition works being carried out where a Construction Certificate is not required.

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

Should a bank guarantee be lodged it must:

- (a) Have no expiry date;
- (b) Be forwarded directly from the issuing bank with a cover letter that refers to Development Consent DA/828/2014
- (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:

Bond Type	Amount
Nature Strip and Roadway (2 street frontages)	\$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.

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

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

37. 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.

38. 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.

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

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

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

40. 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.

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

**Reason:** To ensure that the levy is paid.

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

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

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

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

44. 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.

45. 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.

46. Where work is likely to disturb or impact upon a utility installations, (e.g. power pole, telecommunications infrastructure etc.) written confirmation from the affected utility provider that they raise no objections to the proposed works must accompany an application for a Construction Certificate to the satisfaction of the Certifying Authority.

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

47. 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. This report is to stipulate that any waste collection is to be undertaken within the development. No Kerb side collection of garbage bins is approved. 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.

48. Separate waste bins are to be provided on site for recyclable waste.

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

49. Provision is to be made for cigarette butt receptacles on the site to minimise littering. Cigarette butt receptacles must be provided during building works on any site and permanently provided to the commercial component of the development after construction. Details of the size and the location of the receptacle are to be provided to the satisfaction of the Principal Certifying Authority prior to the issue of the Construction Certificate.

**Reason:** To ensure that adequate provision is made for the disposal of cigarette butts to prevent littering of the public domain.

50. Access for people with disabilities to and from and between the public domain, residential units and all common open space areas 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, 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.

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

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

52. On completion of each artwork design stage, the Applicant will be required to submit all additional documentation to Council that details the realisation of the Arts Plan through final design concepts, site plan for artworks, construction documentation and project management **prior to its implementation**.

53. Council property adjoining the construction site must be fully supported at all times during all demolition, excavation and construction works. Details of any required shoring, propping and anchoring devices adjoining Council property, are to be prepared by a qualified structural or geotechnical engineer. These details must accompany an application for a Construction Certificate and be to the satisfaction of the Principal Certifying Authority (PCA). A copy of these details must be forwarded to Council prior to any work being commenced.

54. Detailed drawings of the proposed works within public domain area should be submitted to the approval of the Council's City Assets unit, prior to the issue of the Construction Certificate.

**Reason:** To ensure works comply with Council's public domain guidelines and to ensure the public safety.



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

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

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

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

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

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

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

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

**Reason:** To ensure public safety.

58. 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.

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

All footpath crossings, laybacks and driveways are to be constructed according to Council's Specification for Construction or Reconstruction of Standard Footpath Crossings and in compliance with Standard Drawings DS1 (Kerbs & Laybacks); DS7 (Standard Passenger Car Clearance Profile); DS8 (Standard Vehicular Crossing); DS9 (Heavy Duty Vehicular Crossing) and DS10 (Vehicular Crossing Profiles).

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

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

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

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

60. If the proposed excavation associated with the erection or demolition of a building extend below the level of the base of the footings of a building on an adjoining allotment of land; the person causing the excavation to be made; must preserve and protect the building from damage; and if necessary, must underpin and support the building in an approved manner. At least 7 days before excavating below the level of the base of the footings of a building on an adjoining allotment of land, the person causing the excavation to be made must give notice of intention to do so to the owner of the adjoining allotment of land and furnish particulars of the excavation to the owner of the building being erected or demolished and submit to the Principal Certifying Authority details of the date and manner by which the adjoining owner(s) were advised.

**Reason:** To control excavation procedures.

61. 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.

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

**Reason:** To protect Council's infrastructure.

63. 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.

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

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

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

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

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

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

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

67. 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.

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

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

69. Detailed design plans and hydraulic calculations of any changes to the stormwater drainage system are to be submitted to Roads and Maritime for approval, prior to the commencement of any works.

Details should be forwarded to:

The Sydney Asset Management  
Roads and Maritime Services  
PO Box 973 Parramatta CBO 2124.

A plan checking fee will be payable and a performance bond may be required before Roads and Maritime approval is issued. With regard to the Civil Works requirement please contact the Roads and Maritime Project Engineer, External Works Ph: 88492114 or Fax: 88492766.

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

Construction Management Plan for the Site. A plan view of the entire site and frontage roadways indicating:

- Dedicated construction site entrances and exits, controlled by a certified traffic controller, to safely manage pedestrians and construction related vehicles in the frontage roadways,
- Turning areas within the site for construction and spoil removal vehicles, allowing a forward egress for all construction vehicles on the site,
- The locations of proposed Work Zones in the egress frontage roadways,
- Location of any proposed crane standing areas,
- A dedicated unloading and loading point within the site for all construction vehicles, plant and deliveries,
- Material, plant and spoil bin storage areas within the site, where all materials are to be dropped off and collected,
- The provisions of an on-site parking area for employees, tradesperson and construction vehicles as far as possible.
- A detailed description and route map of the proposed route for vehicles involved in spoil removal, material delivery and machine floatage and a copy of this route is to be made available to all contractors.
- A detailed description of locations that will be used for layover for trucks waiting to access the construction site.

Written concurrence from Council's Traffic and Transport Services in relation to installation of a proposed 'Works Zone' restriction in the egress frontage roadways of the development site.

Application fees and kerbside charges for 6 months (minimum) are to be paid in advance in accordance with the Council's Fees and Charges. The 'Works Zone' restriction is to be installed by Council once the applicant notifies Council in writing of the commencement date (subject to approval through Parramatta Traffic Committee processes). Unused fees for kerbside charges are to be refunded once a written request to remove the restriction is received by Council.

Traffic Control Plan(s) for the site:

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

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

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.

71. 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. Where the consulting geotechnical engineer is of the opinion that no dilapidation reports for adjoining structures are required, certification to this effect shall be provided for approval by the Principal Certifying Authority prior to any excavation. A copy of the dilapidation report shall be submitted to Council.

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.

72. 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.

73. Prior to any excavation and or stump grinding 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.

74. 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:  
E.g. 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.

75. 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.

76. 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. 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.

### **During Construction**

77. A Waste Data file is to be maintained, recording building/demolition contractors details and waste disposal receipts/dockets for any demolition or construction wastes from the site. These records must be retained and made available to Council on request.

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

78. 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.

79. 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.

80. A range of inspections will be carried out by Council staff during the construction phase. The applicant must contact Council's Inspection Officer (or Public Domain Officer) for each inspection listed below. At least 48 hour notice must be given for all inspections.

The required inspections include the followings:

- Commencement of public domain works including tree protection measures installed and set out of tree pits;
- Excavated tree pits with required root barrier (or soil cells) and sub-drainage installed as specified. Procured soil media specifications and docket receipts to be signed at this inspection;
- Installation of the required underground conduit and completion of subgrade preparation for pavements and prior to commencement of concrete slab installation;
- Trees delivered to site and prior to planting. Trees are to be installed within 24 hours of delivery;
- Completion of concrete slabs and set out/location of furniture installation; and

- Completion of unit paving, and furniture installation. Manufacturer's warranty and maintenance information for all proprietary products shall be provided to Council's Inspection Officer;
- Removal of the tree protection fencing on Church Street and commencement of removing the existing paver by hand within the tree protection zones; and
- Completion of set out of tree pits for the existing street trees and planting on Church Street.

**Reason:** To ensure the quality of public domain works complying with Council standards and requirements.

81. The plumber is to certify the existing stormwater drainage lines are in working order and capable of carrying the additional stormwater from the proposed development as outlined in AS 3500.3 – Stormwater Drainage - 2003.

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

82. 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.

83. 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.

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

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

85. 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.

86. 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.

87. 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.



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

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:

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

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

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

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

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

90. 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.

91. 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.

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

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

93. Footpath or road construction and/or restoration during construction of the development shall require a Road Occupancy Permit from Council. The applicant shall submit an application for a Road Occupancy Permit through Council's Traffic &

Transport Services and a Road Opening Permit through Council's Restoration Engineer, prior to carrying out the construction/restoration works.

**Reason:** To provide appropriate vehicular and pedestrian amenity.

94. Erosion and sediment control devices shall be installed prior to the commencement of any demolition, excavation or construction works upon the site. These devices must 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.

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

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

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

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

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

96. To minimise glare nuisance, the reflectivity index of the glass is not to be more than 20%.

**Reason:** To maintain neighbouring amenity.

97. Roofing materials must be of low glare and reflectivity.

**Reason:** To maintain neighbouring amenity.

98. Occupation of any part of the footpath or road 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.

**Reason:** To ensure proper management of Council assets.

99. Stormwater drainage from the proposed development site should be connected to the existing site drainage system which has been connected to an existing Kerb Inlet Pit within the property frontage of Fennell Street.

The installation of new drainage components must be completed by a licensed contractor in Accordance with AS3500.3 (2003) - Stormwater Drainage and the Building Code of Australia (National Construction Code).

**Reason:** To ensure satisfactory stormwater disposal.

100. Car wash bay spaces must not at any time be allocated, sold or leased to an individual owner/occupier and must be strictly retained as common property by the owners corporation.

Adequate ventilation to work areas and other occupied enclosures shall be provided in accordance with the requirements of the Building Code of Australia. Where any system of mechanical ventilation is installed, certification that the system functions in accordance with Australian Standard AS 1668 (Parts 1 & 2) is to be provided to the certifying authority prior to occupation of the premises.

**Reason:** To comply with the Building Code of Australia and the relevant Australian Standard.

101. 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. A design report outlining the proposed noise attenuation measures prepared by a suitably qualified acoustical consultant (who is a member of either the Australian Acoustical Society, or the Association of Australian Acoustical Consultants), is to be submitted and approved by the principal certifying authority before the issue of the construction certificate. After completion of the works, prior to the issue of an occupation certificate, the developer must submit to the accredited certifier, a report from a practicing acoustic engineer (as above) verifying that the works as installed meet the above design condition.

**Reason:** To reduce noise levels.

102. All demolition and construction vehicles are to be contained wholly within the site and vehicles must enter the site before stopping. A construction zone will not be permitted on Church Street.

103. All works/regulatory signposting associated with the proposed development are to be at no cost to Roads and Maritime.

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

104. The approved public artworks referred to in Condition 1 are to be installed to the satisfaction of Council prior to the issue of the Occupation Certificate and all documentation is required to be submitted to Council including a maintenance schedule.

105. Signage by the Artist and to the satisfaction of Council shall be installed with the artwork.

106. The artworks are to be completed in full in line with the documentation submitted and the artworks are installed to the satisfaction of Council prior to the issue of the Occupation Certificate.

107. The details of caretaker and person in charge of maintaining the waste storage area must be provided to Council.

**Reason:** To maintain amenity.

108. Prior to any issue of the Occupation Certificate (including interim Occupation Certificate), the public domain construction works must be completed to Council's satisfaction and a final approval shall be obtained from Council

Council will issue the final approval for the finished public domain works that complied with the approved public domain documentations and Council's satisfaction. A final inspection will be conducted by Council staff after all the works are completed and the defects identified during inspections are rectified. The Certificate of Completion shall not be issued until Council's final approved is obtained.

The Work-as-Executed Plans shall be prepared and submitted to Council showing the final-approved public domain works after the final approval, and prior to any issue of the Occupation Certificate.

A 26 weeks maintenance period is required to be carried out by the applicant for all the works constructed in the public domain. A Landscape maintenance schedule shall be prepared by a qualified Landscape Architect to Council that specifies that at 26 weeks after Council's final approval how and who to maintain the public domain works.

**Reason:** To ensure the quality of public domain works is to Council's satisfactory.

109. The proposed cross sections in drawing no: C03.04 & C03.05 shall be reviewed to ensure the falls comply with Council's design standards (DS40). The cross falls at the desired public path of travel should not exceed 2.5%.

**Reason:** To comply with Council's design standards.

110. The standard 'City Centre Paving' shall be applied to the entire public domain areas in Church and Fennel Streets to the full length of the development site. This includes the entire street frontage between the kerb and building lines, ramps and stairs to the building entries. The footpath paving set out and details should comply with Council's design standard (DS40, sheet 1-3).

**Reason:** To comply with the Public Domain Guidelines.

111. A conduit for Council's multi-media facilities is required to be installed to the full length of the street frontages on Church Street. The conduit must be positioned and installed in accordance with Council's standards drawing and specifications that can be obtained from Council's Community Crime Prevention Officer.

**Reason:** To facilitate Council's CCTV network.

112. The existing Kerb ramp on Fennell Street shall be reconstructed to comply with Council's design standards (DS4) that ensures the kerb ramp layout is to be aligned with the desired direction of pedestrian travel.

113. Two new kerb ramps shall be constructed to cross Church St, on both sides of the street, near the corner of Fennell Street. The new kerb ramps shall align with the existing refuge island in Church Street.

114. TGSIs must be used on the public footpath to comply with the AS 1428.1 and the requirements in the Public Domain Guidelines. Apart from the proposed locations in the approved alignment plan, TGSIs must be installed in the following locations:

- Before the driveway crossing on Fennell Street in both directions.

**Reason:** To improve accessibility in public domain and comply with AS 1428.1.

115. The proposed kerb ramp adjacent to the existing vehicle crossing on Fennell Street shall be removed. The falls and levels on the footpath adjacent to the crossing shall

be designed and constructed to provide smooth transitions and comply with Council's design standard for CBD vehicle crossing (DS40-sheet 3).

**Reason:** To improve accessibility in public domain and comply with AS 1428.1

116. A set of three (3) bike rack is required to be provided and installed in the public domain on Church Street. The details of the bike rack are as follow:
- Manufacturer: Rowen Wagner
  - Product: Geo Rack
  - Location: on Church Street, between the 1st and 2nd street trees at the corner of Fennell Street. The bike rack is to align with the centres of tree pits.
  - Installation: Chemset bolts for bike rack to binding layer with 2 X M16 bolts with sheer nuts. Bolts to be minimum 100mm embedded into blinding layer.
117. The existing bin adjacent to the existing bus stop shall be relocated to accommodate the new tree pits on Church Street.
- Reason:** To improve public domain amenity.
118. The six (6) existing *Flindersia Australis* (Australian Teak) growing along Church Street outside the development site must be retained and protected during the construction phase. Prior to the commencement of construction in public domain, tree protection zones (TPZs) of 1.5 (deep) X 3m (long) must be established around each tree with protection fencing complying with AS 4970-2009 Protection of trees in development sites. The TPZs and fencing details shall be shown in the public domain construction documents.
119. A qualified arborist shall be engaged by the applicant to provide site supervision during excavation near street trees on Church Street. No roots greater than 15mm diameter shall be damaged or cut without Council's permit. An Arboricultural Compliance Report is required to be prepared by the arborist and submitted to Council prior to the final approval of the public domain works.

The tree protection fencings around existing trees on Church Street shall not be removed until all the machinery has been removed from the site and all the pavement works have done in the rest of the public domain area.

Existing paving materials and binding materials shall be removed by hand in the tree protection zones under the supervision of the arborist. The tree pits at the size of 1.5 X 3m shall be set out for each street tree with understorey planting with selected native groundcover/grass species. Planting detail need to be shown in the public domain construction documentation.

The tree pits shall align with the kerb and avoid any encroachment to the existing bus stop and service pits on the footpath.

Two (2) new street trees shall be provided on Church Street near the northern boundary of the site. The detail of the tree pits shall be consistent with the others in front of the site.

**Reason:** To ensure street trees are being planted in appropriate location and existing street trees are protected.

120. Four (4) new street trees shall be planted on Fennell Street in accordance with CBD standard tree planting detail (DS 39). The tree pit shall be at size of 1.2 X 1.8m with "FiltaPave<sup>TM</sup>" finish.

The street tree must be planted in accordance with Council's design standard (DS 39) with adequate clearances to other street elements in accordance with the Public Domain Guidelines.

**Reason:** To ensure street trees being planted in appropriate locations

121. The following required street tree species, quantities and supply stocks are to be provided:

Street Name	Botanical Name	Common name	Pot Size	Qty
Church Street	<i>Flindersia Australis</i>	Australian Teak	400L	2
Fennel Street	<i>Fraxinus 'Raywoodii'</i>	Claret Ash	400L	4

The tree supply stock shall comply with the guidance given in publication Specifying Trees: a guide to assessment of tree quality by Ross Clark (NATSPEC, 2003). The requirements for height, calliper and branch clearance for street trees are as below table:

Container Size	Height (above container)	Caliper (at 300mm)	Clear Trunk Height
400 litre	6.0 metres	80mm	2.8 metres

**Reason:** To ensure high quality of street trees

122. The public domain construction documentation shall include the details of the proposed raised garden bed at the main entry on Church Street. The details need to indicate the dimensions, heights and the finishes of the wall and seating bench.

All the plants in the planting bed shall be no less than 200mm pot size. The planting bed shall have no less than 600mm deep soil level with free draining soil mixes, in accordance with AS 4419:1998 – Soils for landscaping and garden use, and incorporated with drainage layers and pipes connecting to stormwater or drain. An automatic irrigation system shall be set up for the planting bed. The public domain construction documentation must include the full performance specifications for the installation and operation.

123. The proposed plant species used in the roof communal space on Level 1 need to be reviewed to ensure the selected species are hardy to the exposed environment. The rainforest species, such as *Elaeocarpus reticulatus*, *Cerapetalum gummifera*, *Backhousia myrtifolia*, shall be replaced with species hardy to shallow soil depth, exposed and windy conditions.

**Reason:** To avoid adverse impacts of the development to the public domain and ensure high quality of communal open spaces.

124. Works as executed plans for the works carried out within the public domain area should be submitted to the Council for record keeping purposes.

**Reason:** To ensure works are carried out in accordance with the development approval.

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

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

126. Four (4) convex mirrors are to be installed within the basement ramps near the northern property boundary with its height and location adjusted to allow an existing driver a full view of the driveway in order to see if another vehicle is coming through.  
**Reason:** To ensure safety of drivers
127. Prior to the issue of the occupation certificate, a convex mirror is to be installed at the top of the ramp with its height and location adjusted to allow vehicles on the ramp to have a clear view of the lift at all times.  
**Reason:** To ensure safety of drivers.
128. 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.
129. 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. 59452M will be complied with prior to occupation.  
**Reason:** To comply with legislative requirements of Clause 97A of the Environmental Planning & Assessment Regulation 2000.
130. 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.

131. A written application to Council's Civil Assets Team for the release of a bond must quote the following:  
 (a) Council's Development Application number; and  
 (b) Site address.

The bond is refundable only where Council is satisfied the public way has been adequately reinstated, and any necessary remediation/rectification works have been completed.

An Occupation Certificate is not to be issued until correspondence has been issued by Council detailing the bond has been released.

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

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

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

The record must include details of:

- (a) the development application and Construction Certificate number;
- (b) the address of the property at which the inspection was carried out;

- (c) the type of inspection;
  - (d) the date on which it was carried out;
  - (e) the name and accreditation number of the certifying authority by whom the inspection was carried out; and
  - (f) whether or not the inspection was satisfactory in the opinion of the certifying authority who carried it out.
133. 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 and Sub floor areas all have been constructed and completed in accordance with the approved stormwater plans. The person issuing the Occupation Certificate shall ensure that:
134. 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.
135. 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.
136. 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
137. The development must incorporate separate waste/recycling storage rooms/areas for the residential and non-residential components. Commercial tenants must be prevented (via signage and other means), from using the residential waste/recycling bins and vice versa.  
**Reason:** To maintain acceptable waste storage provision.
138. Prior to the issue of any Occupation Certificate, the developer is to provide evidence that satisfactory arrangements with a telecommunications provider have been made and implemented where required at no cost to Council for the provision of broadband access to the development.  
**Reason:** To ensure that appropriate provision has been made to accommodate broadband access to the development.
139. 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:
- (a) compare the post-construction dilapidation/damage report with the pre-construction dilapidation/ damage report, and
  - (b) have written confirmation from the relevant authority that there is no adverse structural damage to their infrastructure and roads.



- (c) carry out site inspection to verify the report and ensure that any damage to the public infrastructure as a result of the construction work have been rectified immediately by the developer at his/her cost.

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

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

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

Following application a “Notice of Requirements” will detail water and sewer extensions to be built and charges to be paid. Please make early contact with the Co-coordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. The Section 73 Certificate must be submitted to the Principal Certifying Authority prior to the Occupation Certificate being issued.

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

### **The Use of the site**

- 141. 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.

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

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

- 143. 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 LAeq,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.

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

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

145. A waste storage room is to be provided on the premises and shall be constructed to comply with all the relevant provisions of Council's Development Control Plan (DCP) 2011 including:
- a) The size being large enough to accommodate all waste generated on the premises, with allowances for the separation of waste types;
  - b) The floor being graded and drained to an approved drainage outlet connected to the sewer and having a smooth, even surface, coved at all intersections with walls;
  - c) The walls being cement rendered to a smooth, even surface and coved at all intersections;
  - d) Cold water being provided in the room with the outlet located in a position so that it cannot be damaged and a hose fitted with a nozzle being connected to the outlet.
- Reason:** To ensure provision of adequate waste storage arrangements
146. All putrescible waste shall be removed from the site with sufficient frequency to avoid nuisance from pests and odours.
- Reason:** To ensure provision of adequate waste disposal arrangements.
147. All waste storage areas are to be maintained in a clean and tidy condition at all times.
- Reason:** To ensure the ongoing management of waste storage areas.
148. Between collection periods, all waste/recyclable materials generated on site must be kept in enclosed bins with securely fitting lids so the contents are not able to leak or overflow. Bins must be stored in the designated waste/recycling storage room(s) or area(s) between collection periods.
- Reason:** To ensure waste is adequately stored within the premises.
149. Prior to the issue of an occupational certificate (Interim or Final) written certification from a suitably qualified person(s) shall be submitted to the Principal Certifying Authority and Parramatta City Council, stating that all works/methods/procedures/control measures approved by Council in the following report has been completed:  
Acoustic Report No. 13889RO-1, dated 24 November 2014, prepared by Rodney Stevens Acoustics.
- Reason:** to demonstrate compliance with submitted reports.

### **Advisory Notes**

**The following points are issued as advice to the applicant. They do not form conditions of the Notice of Determination.**

The subject site is within an identified viewline of a World Heritage listed property. In order to ensure compliance with the requirements of the Environment Protection and Biodiversity Conservation Act 1999 (Cth), the proposed development should be referred to the Australian Department of Sustainability, Environment, Water, Population for comment and/or approval before any works commence on the site. It is further noted that the onus for this referral is on the person who will be carrying out the works.